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THE LAND RIGHTS OF INDIVIDUALS AMONG THE NYAKYUSA

BY

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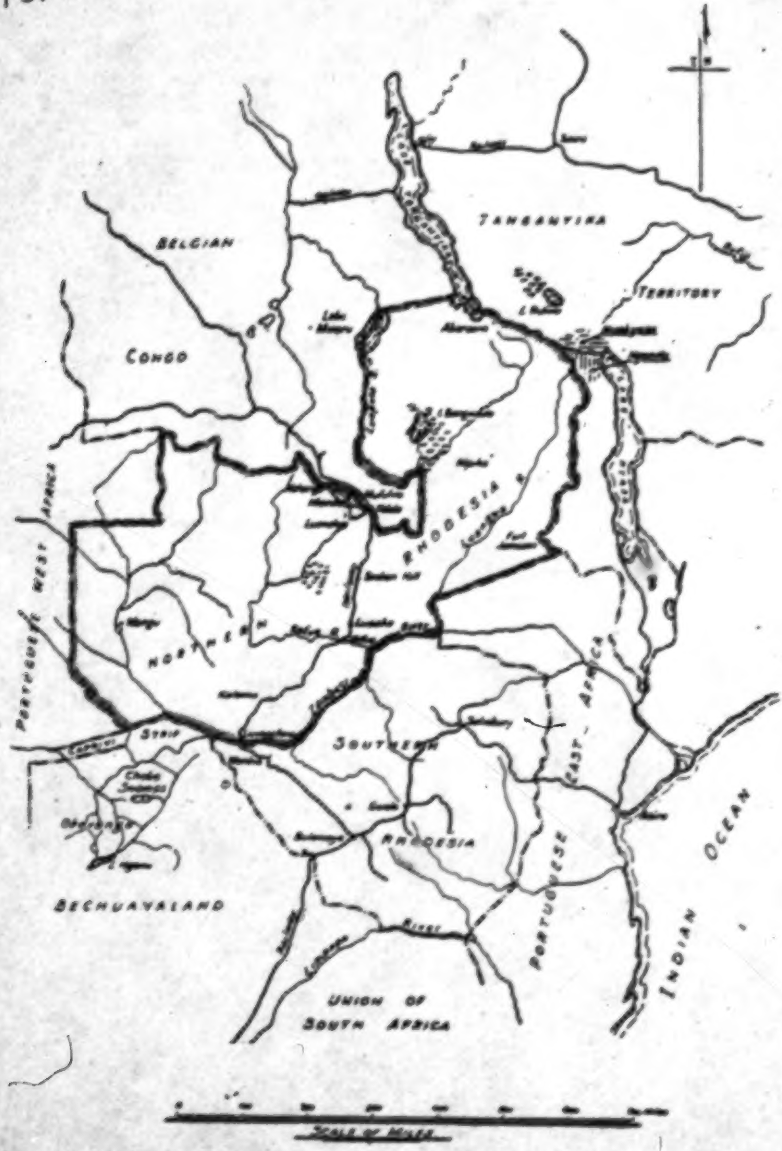
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THE RHODES-LIVINGSTONE PAPERS

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This series is designed to increase the sum of exact information upon the sociology of Central Africa at that most interesting of all historical periods, the present day. The sudden establishment of relationships between the civilized peoples of Europe and the primitive peoples of Africa is one of the greatest events of human history; we are in the midst of it, and it makes upon us all, both Africans and Europeans, far-reaching demands for emotional and practical adjustment. Nor without understanding can we either control our destiny or properly enjoy its rich complexity.

Understanding, however, is hard to come by in the bewildering diversity of facts. Human society is everywhere complex and especially so in Central Africa where the variety of cultural tradition, both amongst Africans and Europeans, and of local economic and climatic conditions prevents our minds from grasping at all easily the general nature and movement of the situation in which we live. We must needs proceed patiently and step by step. And so the majority of these papers will deal each with one limited area and one particular aspect of social life alone. Only in this piecemeal fashion can we ever reach true understanding.

In this, the first of the series, an attempt is made to describe the property in land which individual Africans possess to-day within a particular tribal group in the south-west of Tanganyika. As this group was until fifty years ago among the most isolated and primitive groups in the whole of Africa, there is perhaps a more than local interest in seeing that it ranks unquestionably among those "indigenous peoples," to quote a famous judicial document, "whose legal conceptions, though differently developed, are hardly less precise than our own. When once they have been studied and understood they are no less enforceable than rights arising under English law."

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1. *INTRODUCTION*

Land everywhere is the basis of social life, that upon which men move and rest; it is both in itself the most important raw material of 121 economic activity and the location of all other materials such as minerals, wood and water; it is a universal condition of human action, an object of human understanding and feeling. And everywhere the use of land is defined and limited by a system of tenure, a series of laws, moral rules and conventions without which no orderly life at all would be possible upon it. This paper is an attempt to describe in part one such system of land tenure, that which I found to obtain among the Nyakyusa, a Bantu people of South Tanganyika, during the years 1934-1938.

I have here described in detail the land-rights of individuals only, both in relation to one another and to the villages and chiefdoms of which they are members, and have left the rights of these groups in relation to one another for a further publication.

The Nyakyusa system of land-tenure is determined by three main factors: firstly by the physical conditions of life in this part of Central Africa, that is by the nature of the soil and its topography, by the climate and by the density of the human population; secondly by the particular practical uses to which land is put and the techniques employed therein; and thirdly by the form of Nyakyusa society, the groups and relationships into which it is articulated. But in considering these three main determinants we shall have to take into account intellectual and emotional factors also, the understanding of their land which the Nyakyusa possess and their feelings about it.

2. *PHYSICAL CONDITIONS*

The Rungwe District of the Southern Highlands Province of 131 Tanganyika, in which the Nyakyusa live, is situated some 9° south of the Equator and is a part of the Great Rift Valley formation. The country of 133 the Nyakyusa is bounded on the south by Lake Nyasa and the Songwe river, on the east by the almost sheer wall of the Livingstone Mountains (which rise to 10,000 feet), and on the west by the lower Ndali hills which, although included in the same administrative district, are inhabited not by Nyakyusa but by two cultural groups closely related to them, the Ndali and the Lambya.

The Nyakyusa live then between the two walls of the Rift, but their country is not itself all of an equal altitude. In the north the Rift is here interrupted and closed by the extinct Rungwe volcano (10,000 feet) from whose base (5,000 feet) the land drops for twenty-five miles in a cascade of hills and little plateaux to level out in a lake-shore plain fifteen or

131 twenty miles from Lake Nyasa (1,500 feet). A little compact country,
133 secluded until very recently from any effective external contacts, slightly
over 1,000 square miles in extent.[1]

132 The soil, particularly that of the higher ground in the north of the
134 Nyakyusa country, is not in itself very rich, but, as between 100 and 130
inches of rain usually fall each year, the district is one of the most fertile
[161] in the whole of Tanganyika; two crops a year are often grown on the same
patch of ground, and the African population is over eighty to the square
[231] mile. There is no infected tsetse fly and cattle are the most prized
possession of the Nyakyusa.

631 For historical reasons, which we will discuss in a later section, the Nyakyusa have never been united under any one paramount chief of their own, but live in a number (nearly 100 at the present day) of tiny but traditionally independent chiefdoms. For these chiefdoms the numerous streams which run down from the north into Lake Nyasa and the crests of the ridges of land between them, form natural boundaries.

133 The country, of course, is not all of equal economic value, parts of it
are stony and mountainous, other parts, and particularly the plain in the
134 south, consist of deep and level soil; and the population is heavier on the
plain than on the higher ground. Further, on the higher ground, there
exist numerous old volcanic craters filled with rich moist soil and these,
being more fertile than the surrounding land, are particularly valued by
[241] the Nyakyusa. Again, of the two chief economic crops of this district,
one, coffee, can only be grown on the higher ground while the other, rice,
can only be grown on or near the plain. And at every point their system
of land tenure is partially determined by such physical factors as these.

3. *THE USES AND VALUE OF LAND*

311 The Nyakyusa use their land for building on, for agriculture, for pasture, for hunting and fishing; they collect firewood, reeds, thatching-grass, mushrooms and other wild vegetables there; they draw water from its streams and bathe daily in them; on their land they grow bamboos, bananas, *imisyunguti* trees[2] and coffee; they keep bees; they dance, they fight, they walk and lie down upon it; their land is both the receptacle of refuse and the location of religious ritual, while their doctors continually wander over its surface in search of magical medicines.

Not all these uses of land give rise to laws, moral rules or conventions, but only those uses which tend to lead men into conflict with one another or into mutual embarrassment. The only reasons for the existence of

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[1] The whole of Rungwe District is 1,866 square miles, but this includes the hills of the Ndali and Lambya as well.

[2] I have not been able to discover the botanical name of this tree.

rules of land tenure are firstly to prevent, as far as possible, such conflicts 311
and embarrassments from arising, and secondly, to facilitate their resolution when aroused. If, then, there is no danger of conflict or embarrassment neither is there a need for any rule at all. A Nyakyusa doctor wandering in the uncultivated bush looking for medicines cannot harm any man's interest, cannot hurt any man's feelings, and he is therefore free to gather what and where he will.

In many of its uses, however, land is scarce and so leads men into competition for it. When, in any society, land, or some other material of action, is scarce, we say that it has economic value; and whenever anything has economic value then, of necessity, its use *must* always be effectively limited and defined by rules of law or of morality or by convention, for only by such limitations of human action can anarchy be kept at bay and ordered human society continue to exist.

The scarcity or economic value of land is, in most of the Nyakyusa 311
chiefdoms, more a matter of quality than of mere quantity. In some few 241
chiefdoms there is, however, already threatening an actual lack of arable land, and it is almost certain that there will in time be a general shortage.
The natural increase of population is to some extent counterbalanced by [167]
ever-increasing emigration into neighbouring, less densely populated districts; but rapidly changing economic and technical conditions will of themselves, in all probability, bring about a shortage of land. Ploughs (over 100 of them) are already in use and are multiplying many times over the area which one man can cultivate, while the recent development of an external market for surplus food is stimulating many men to greater effort even with the hoe. An area amply sufficient, with primitive subsistence agriculture, for about 100,000 persons may well prove quite insufficient when ploughs are employed and when to the 100,000 mouths are added, through the medium of the market, many thousand more. Rungwe District is already one of the main sources not only of labour but also of food for the nearby Lupa gold fields, while its rapidly increasing
crop of Native-grown coffee now finds its way to Europe. In 1936 [439]
produce to the value of some £24,000[1] was sold by this district to the outside world.

At the moment, however, there is no general shortage of land. It is 311
the *best* ground which is scarce, not land as such. The best building sites, the best plots of arable ground and the best pastures have economic value and their use is precisely defined and limited in the Nyakyusa system of land-tenure.

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[1] Figure estimated for the whole district (Nyakyusa, Ndali and Lambya, about 150,000 persons in all) on the basis of information supplied by the courtesy of the Agricultural Office, Tukuyu.

000 Before passing on to consider how it is that the Nyakyusa distinguish between " better " and " worse " plots and pastures we must dwell for a moment longer on the technical aspect of their present use of land.

241 231 The *chitemene* system of agriculture so common in Central Africa has never been practised by the Nyakyusa, indeed the density of the population makes it impossible; they follow instead a system of intensive cultivation with rotation of crops. Villages are thus relatively stable and a man may, if he chooses, hoe the same ground year after year for a whole generation, letting each plot lie fallow in its turn. The great variety of crops which can be grown helps to determine the success of the Nyakyusa rotation system—maize, millet, sweet-potatoes, beans, ground-nuts, cow-peas, cassava and, in the plain, rice being their staple products. The men hoe deeply, using a long-handled iron hoe, the women weed with the aid of a short-handled wooden digging stick; different crops are planted at different seasons and most men do some hoeing in every month of the year. Every now and again a whole block of garden land that has been worked for some years may be allowed by common consent to revert to pasture. In the pasturing of cattle the most noteworthy point is the burning of the grass-lands; at the end of each short dry season in October or November, some of the pastures are fired so as to bring new shoots of tender grass with the first rains. The houses of a village are normally all built close together, each surrounded by bananas, with the main garden lands at some distance from them. The cattle are tied up at night in the houses and their dung is removed each morning and thrown down among the banana trees by the women of the household. The deliberate use of dung as manure is a novelty but is now general in the cultivation of coffee; on the gardens cattle dung is not used save in that one part of the district where land is beginning to be absolutely scarce, but the grass, which in this climate grows so quickly over them, is hoed in each year as green manure.

242 The first consideration which, in the case of arable land, leads the Nyakyusa to value some pieces of ground above others is a scientific[1] knowledge of the properties of different kinds of soil. " The men who are skilled in choosing ground for hoeing are those who have been long familiar with the soil. They know how soils differ and that one soil is best for maize, another for sweet-potatoes, one for peas, another for beans, one for ground-nuts another for pumpkins, one for millet, another for yams. And they can tell from the grass also, that where a certain

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[1] By " scientific " knowledge is meant an intelligent understanding of fact based upon observation or experiment and which is not directly determined by any ultimate religious beliefs, save only the one belief that facts are intelligible.

kind of grass grows there maize will do well, or maybe ground-nuts. 242
Some grass-lands have very poor soil in which no crop at all will grow properly, the one we call *kyusi* for example, or again the one we call *unnyegesi* ("the ant"); no one hoes these lands. Some gardens we hoe on the higher ground, others near the streams, either right in the mud by the water or else in ground that is merely moist. On the higher ground we hoe millet, peas, sweet-potatoes, cassava and some other crops; in the muddy places by the water we hoe yams, building huge ridges for them called *fibimbika*; and there too we sometimes put in (during the dry season) the shoots of sweet potatoes that we shall later plant elsewhere. If the soil is only a little muddy and is mixed with sand, then we plant maize there. The right soil for beans we call *kibumba*—a red soil which is sometimes mixed with sand. Ground-nuts we either plant in the *kibumba* (if it is the sandy kind) or else just in sand. Whenever a man is hoeing a field for millet or ground-nuts or sweet-potatoes, he can tell just from the soil whether his crop will do well or not."[1]

And so also the Nyakyusa well understand the different qualities of 232
pasture. The cattle are herded by small boys but on most mornings one of the men also goes out with the herd to show the boys where to pasture it and what grass-land to avoid.

Into the value of arable land sentiment also enters and men like, 311
ceteris paribus, to hoe their gardens where they themselves or their fathers
and brothers have hoed before. So too the value of building plots is 769
determined both by practical and emotional considerations: large and relatively level sites on which bananas grow well are preferred to narrow or steeply sloping ones or to sites where bananas do badly, but, on the other hand, of two equally convenient sites that with family associations is normally preferred. And in the case of building sites religious considerations may also enter. A friend of mine told me that, when his father died, he did not move but left his father's site vacant with the new
grave upon it; a year or two later his millet crop unaccountably failed and [787]
the diviner told him that his father's spirit was angry that no one had "swept his grave," i.e. that the plot had been left vacant. My friend did not actually move, even then, for he preferred his own site; he compromised by the performance of a ritual sacrifice to his father's spirit. But in such cases a man will often move to his dead father's site for fear of further misfortunes.

We have discussed briefly the purposes for which and the techniques 000
by means of which the Nyakyusa use their land, and we have indicated a few of the main considerations which lead them to value some particular

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[1] Text written for me by a literate Nyakyusa.

000 pieces of ground above others. We must now pass to the third great determinant of the system of Nyakyusa land-tenure—the form of their society.

4. *THE FORM OF NYAKYUSA SOCIETY*

178 When we speak of " Nyakyusa society " to-day we refer to one small area within a world society, to a group of men distinguished from the rest of the world by the possession of a unique cultural idiom of their own but none the less bound to it by the strongest ties. Two generations ago Nyakyusa society was, unknown to our grandfathers, almost a world in itself, a world moreover which was split up into a number of tiny units in the shape of independent chiefdoms whose relationships with one another were of the loosest kind. The sons of men for whom society (that is effective relationship) was normally confined to two or three thousand families, all or nearly all consisting of personal acquaintances, now find their own destinies inextricably entangled with those of 1,600,000,000 people. To the Nyakyusa of to-day fluctuations in the world price of gold and coffee, the policies and incomes of the missionary Churches of Europe, the political relationships between Great Britain, her Dominions, the League of Nations and Germany are matters of some importance.

Nyakyusa society at the present moment thus includes a number of complicated relationships between the Nyakyusa group and the outside world which, in the recent past, had no existence at all. And the presence of these new relationships has profoundly modified the social forms which traditionally obtained within the group itself. And as, with the spread of Christianity, Islam and cilivised education, with the increase of skill and wealth and with the taking of new responsibilities, the Nyakyusa participate ever more and more fully in the life of the world society, so will their relationships with one another continue to change in form. For they still have upon them a primitive stamp, they still to some extent proceed from assumptions of isolation.

182 The relationships of Nyakyusa society to-day fall into four main
423 categories. There are, firstly, relationships of blood, marriage and affinity, secondly there are the various bonds of village life, thirdly there are those which subsist between members of the same chiefdom and, finally, there are those which bind the Nyakyusa to still wider groups, to the tribal group, the Territory, the World. And these relationships, as they are limited and defined, amongst other things, by rules of land-tenure, so also are they among the sources of these rules. Land is held in society and the form of society largely determines the manner of its holding.

The Nyakyusa are, predominantly, a patrilineal people, for inherit- 611
ance normally follows the male line. They differ, however, from the
patrilineal peoples of Europe in that brothers inherit before sons. Inherited 428
wealth is thus mainly kept in the hands of the older men, though they are 583
under certain obligations towards their " sons " (whether own or classifi-
catory) in their use of it. Marriage involves a transfer of anything from 593
four to thirty head of cattle from the bridegroom to his father-in-law, and
consequently the chief obligation which an older man has, both to his own
sons and to the sons of any kinsman from whom he has inherited, is to
provide them, in due time, with cattle for marriage. But this obligation
is not an absolute one, it depends, in part, upon the due fulfilment by
each " son " of his filial duties, which are, firstly, to hoe his father's fields
diligently and, secondly, to maintain a respectful bearing towards him.
Unmarried men have no gardens of their own, they work their fathers'
land and eat the produce of it which their mothers cook.

Under modern conditions money for tax and clothes is necessary 167
both to father and son, and very many young men visit the nearby Lupa
gold fields regularly, for periods of a few months at a time, to earn it. 593
A youth who always brings back to his parents after each spell of absence
tax money and some presents is held to have done all his duty and he will
be given marriage cattle just as soon and as readily as if he had spent all
his time hoeing at home. And if he earns more, sufficient to purchase
some of his marriage cattle for himself, still his father benefits, for the old
man has then to spend fewer beasts from his own stock. But the Lupa
needs food as well as labour and some unmarried men stay continuously
at home and engage in the production of crops ; after the family needs
have been met the surplus is sold and from the proceeds the father pays his
own tax and his sons' and buys clothes for them as well.

Hoeing, which is the hardest part of Nyakyusa cultivation, is normally 241
done by men, planting ; weeding, reaping and cooking by women. But 462
some women nowadays do some hoeing too—if their husbands are away
at work or if for any other reason they find it difficult to get enough
ground prepared for them. Traditionally, I was told, women never used
a hoe at all.

Polygyny is the rule rather than the exception among middle-aged 595
men, and in a polygynous household, as we shall see, each wife has her
own garden plots. The institution of polygyny has many other elements
besides the economic, but the economic is not the least important of them:
the taking of additional wives is the best capital investment which is open
to an ordinary, uneducated, Nyakyusa peasant. A Nyakyusa wife is not
her husband's property, she is his wife ; but as family relationships are,
among the Nyakyusa, the basis of economic activity, so the more wives

595 and children a man has to assist him the more wealth he can produce. The man and his unmarried sons hoe, his wives and young daughters plant, weed and harvest, fetch water, cut firewood and cook the food ; and in other practical activities there is equally fruitful co-operation within the household group.

591 621 882 When a man marries he takes his wife from her father's village to his own where he lives with a group of contemporaries. Each village is in origin an age-group, formed by the sons of some village of adult men who leave home one by one as they reach the age of ten to twelve years and build together on ground set aside for them by their fathers. It is not decent, the Nyakyusa maintain, for a boy to sleep at home after any vigorous interest in sexual activity has awakened in him ; and so, for the fifteen years or more between leaving home and marriage, he sleeps with bachelor friends in a boys' village. He and a group of friends go round in turn to the houses of their respective parents for meals, and each hoes his own parents' fields, but all return to the boys' village at night.

621 882 361 As the members of the boys' village grow older, younger boys just leaving home begin to be refused admittance to it and so either start a fresh village of their own nearby or else join a village of their own contemporaries which has already been started. Boys' villages are thus forever hiving off from the villages of men. At first a boys' village covers but little ground for, as its members are unmarried, the houses are small and close together and there are no garden lands attached to it. But as the young men marry one by one the village expands, houses are built bigger and further apart and some adjacent ground is brought under cultivation, until at last it assumes the normal aspect of a village of adult men.

621 A village thus consists of a male age-group with wives and children attached. Wives may be of any age and there is no such formal age grouping among them as among the men. And, as time goes on, some men too may enter the village who are not exact contemporaries of its other members. When a man dies his heir, either a younger brother or a son, often comes to live in his village ; nor are strangers who apply for land in a village ever, I think, refused on the ground of unsuitable age. Villages vary considerably in size but average forty to fifty households.

At first a village of boys, as we have said, is built on ground allotted to it by the village of their fathers ; but a new allotment is made ceremonially at the " coming out " (*ubusoka*) of the young chiefs.

631 622 Every generation each chiefdom of the Nyakyusa is divided into two halves, a fact which is hard to understand until it is realized that the Nyakyusa consist of a number of immigrant groups which have, until very recently, been expanding their territory within the district and

incorporating the previous inhabitants. Now saturation point has been 631
reached; their chiefdoms cover nearly all the available land and include 622
in their membership all the indigenous people; and the custom of dividing
chiefdoms into two is doomed. At the moment, however, it is still a
vital part of their constitutional law. The division of a chiefdom is
apparent from the moment that a ruling chief marries his two great wives,
for he builds their houses separately, one in each "side" (*ulubafu*) of his
chiefdom. The son of each great wife inherits that side of the chiefdom
in which his mother's house is built.

When the ruling chief begins to get old the two heirs are ceremonially 622
"brought out" and recognized as chiefs, though they do not assume full 621
powers until their father's death. And their "coming out" is also the
"coming out" of all the young men, of all the boys' villages which have
been built by the sons of the old chief's men. At the "coming out"
each such village is formally given land by the old chief and his great-
commoners, often in a new place.

In every village there is a headman whose title, *ulifumu*, is simply a 621
specialized use of the general term for a member of an old family who is
not a chief. Every commoner is called an *ulifumu* in his home chiefdom.[1] 624
These two uses of the term I distinguish by calling the village headman a
"great-commoner." Great-commoners, then, are selected for their
wealth and ability by the older great-commoners of the chiefdom and
hold office for life. In the boys' villages before the "coming out" they
are chosen by the older great-commoners—those in charge of their
fathers' villages—on that side of the chiefdom. If they prove satisfactory
their appointments are confirmed by all the great-commoners of the old
chiefdom at the "coming out," if not new ones are then selected.

At the "coming out" the young great-commoners are ritually [754]
treated with medicines to give them the power of witchcraft which they
are expected to use in the interests of morality, while the young chiefs
are treated with medicines to make them fierce and impressive themselves [789]
and to ensure the fertility of their land and the prosperity of the people
under them.

Traditionally the young chiefs assumed authority, each in the young 621
men's villages which composed his own new chiefdom, immediately after 622
the "coming out" and in the old villages in one side of his father's
chiefdom when his father died. To-day the position differs for the
Administration does not recognize the young chiefs at all until their
father is dead.

The separation of chiefdoms established at the "coming out" is
often modified subsequently. In the old days brother chiefs frequently

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[1] Vide infra p. 33.

621 fought each other and one was sometimes reduced to a subordinate
622 position by the other. Such subordinate or minor chiefs did not always lose all power, some men often continued to live with them, but not many, for they were poor and could not afford the feasts that prosperous and powerful chiefs gave to their warriors. Nowadays the junior of the two young chiefs, in the majority of cases, becomes subordinate to his brother immediately, for the Administration normally recognizes the senior of the two only, and a salary is paid to him alone on the old chief's death.

The number of villages which " come out " with each young chief usually varies between four and eight. But if a chief is subsequently reduced to a minor position he will often end his life with one village only [624] of adult men and one village of their sons. For people move from minor chiefdoms and the depleted villages that are left gradually coalesce under the leadership of one of the great-commoners. The son of a minor chief may succeed to his father's position, but only one son will do so; a minor chiefdom is too small to be divided and has no formal " coming out " of its own; its young men attend the " coming out " of the superior chiefdom.

621 So much in outline for the political constitution of the separate
423 Nyakyusa chiefdoms. Some account of it was a necessary preface to the discussion of individual land rights, since it is within this political structure that they have validity. If, for example, the boundaries of a village are changed at the " coming out "—and they very frequently are—then no individual rights to village land can be maintained outside the new boundaries.

631 Prior to the arrival of the Europeans there was no paramount political authority among the Nyakyusa, but a number of tiny independent chiefdoms side by side, with minor chiefdoms in some cases attached to them. Of these traditionally independent chiefdoms there is none, I think, which to-day exceeds 3,000 adult male members, and most of them are far smaller than that. This smallness of scale, which is difficult at first for a European to grasp, is the fundamental characteristic of primitive society, in the organization of which personal relationships are predominant, wherein social relationships, that is, mainly subsist between personal acquaintances. In the old Nyakyusa polity impersonal relationships, effective social bonds linking together men who were personally unknown to one another, though they existed had relatively little importance.

648 Just south of the Nyakyusa, in what is now North Nyasaland, live
184 the Ngonde[1] people, whose language and culture was and is very similar to that of the Nyakyusa. They were, however, slightly more civilized in that they were in closer contact with Arab and Swahili ivory traders; and

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[1] Better known to Europeans as *Konde.*

the wealth derived from this trade enabled one of their chiefs, Kyungu, 648
to maintain himself as paramount over all Ngonde. Among his people 184
impersonal relationships thus had a greater importance. And it was, I believe, the historical isolation of the Nyakyusa from any considerable commercial contact with the outside world which prevented the rise among them of a paramount chief.

To-day the Nyakyusa are in process of integration with the civilized 178
society of the world and the independence of their minute chiefdoms has
inevitably passed away. The traditionally sovereign chiefs have been 622
grouped in seven court districts with one chief as President of the Native 692
Court in each; and these seven chiefs together with the two Presidents of the Ndali and Lambya Courts are federated, with an Appeal Court and joint Native Treasury of their own. In the seven Native Courts most of the traditionally sovereign chiefs are entitled to sit with their great-commoners, and assist the President and his great-commoners in the hearing of cases. The bulk of the legal business previously transacted by each chief in his own country is now taken to Court, but the power of great-commoners to settle disputes by arbitration in their separate villages is still the basis of the legal system.

A poll tax, now (1938) fixed at 9/- per annum for adult males with no 651
additional tax for plural wives, has been introduced and chiefs are paid 622
small salaries ranging from 5/-, 10/- or 20/- a month for ordinary chiefs to 80/- or 100/- a month for the Court Presidents.

The Nyakyusa, as we have previously mentioned, consist of a number 563
of immigrant groups who have spread among and incorporated an indigenous population. The main immigrant groups were three in number and are distinguished to-day by the names of "Nyakyusa," "Kukwe" and "Selya." As all these three groups together (including those who are now incorporated in them) call themselves "Nyakyusa" to the outside world, I distinguish the one group to which the name more particularly belongs as the "Nyakyusa proper." The Nyakyusa proper live in the plain of Mungonde and up on the higher ground as far north as Tukuyu, the Kukwe live north of them around the base of Rungwe Mountain while the Selya live in the east of the district, between the Nyakyusa proper and the Kukwe, right under the wall of the Livingstone Mountains. Between the three groups there are minor differences of dialect and custom.

The extent to which the indigenous groups retain any separate identity varies in accordance with the number of the immigrants and the date at which they reached them, but over a large part of the district fusion has been complete.

We have already discussed the economic relations between the 471
Nyakyusa and the Lupa gold fields which provides them with a market

471 for labour and food. There are also a few small plantations owned by Europeans inside the district which fulfil a similar function. 26,000 acres only of land have been alienated in Rungwe District by the two Governments which have in turn controlled it; and it is the declared intention of the present Government to alienate no more. Of the alienated land only 2,200 acres is at the moment in use.

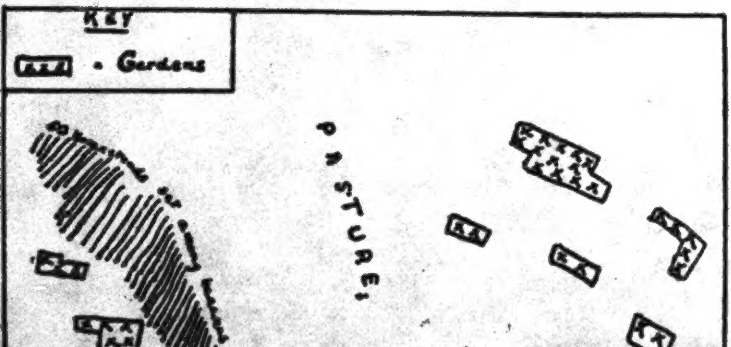
787 Missionaries of the Berlin Lutheran and the Moravian missions have been in the district since 1891, and a substantial proportion, about 16%, of the population now professes Christianity. The Christians live, some in separate Christian villages, some scattered about among their pagan neighbours. In the Christian villages the traditional age grouping usually prevails, with elders and deacons taking the place of great-commoners.

∞ Such in outline is the form of society within which individual Nyakyusa hold property in land.

5. *INDIVIDUAL RIGHTS WITHIN THE HOUSEHOLD*

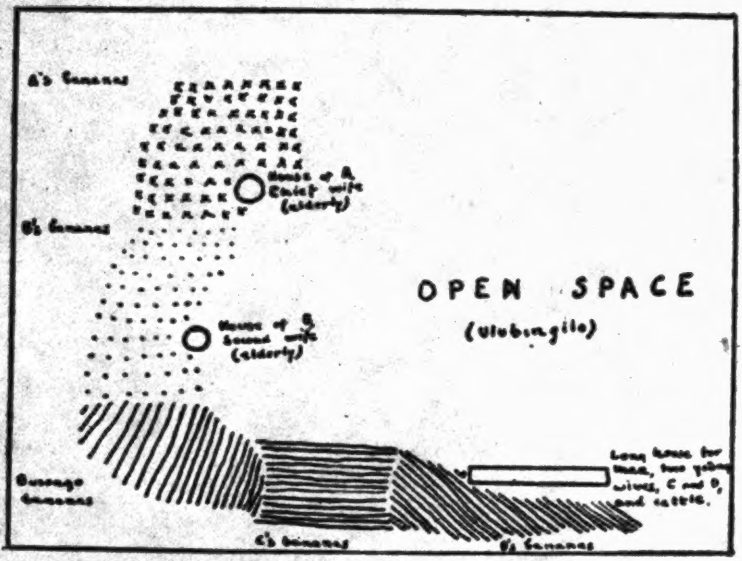
361 A village, as we have seen, usually consists of a group of houses built fairly close together with one or more blocks of garden land at some distance from them, while the village cattle graze the adjoining grass lands in various different herds.

Plan A



A Typical Myakyusa Village

Plan B


A's bananas
House of A, Chief wife (elderly)
B's bananas
OPEN SPACE
(ulubingilo)
House of B, Second wife (elderly)
Bwenge bananas
Long house for man, two young wives, C and D, and cattle.
C's bananas
D's bananas

592

The Homestead of a Rich Man

Each married man has at least one house and, if he is a polygynist, he often has several; young wives may sometimes share a house, older wives normally have one apiece. The land immediately surrounding a man's houses belongs to him and his wives and will be referred to in this paper as their " building site " or " homestead " (*akaja*). Each homestead is sufficient in size to hold not only the houses of one man but also his bananas and, maybe, a few small plots of beans, ground-nuts or some other crop as well; and it is there, under the bananas, that coffee trees are planted. But there is no room on it for the main gardens of the household. In the centre of every homestead is an open space (*ulubingilo*) carefully weeded and swept by the owner and his wives, who usually take great pride in thus keeping it clean. 592 423

At some distance from the homestead—a distance varying from a few yards to two miles or more—lie the main gardens (*imigunda*) of the household, near those of other people. Each year different types of gardens are hoed together by groups of villagers; millet in one place, potatoes in another, maize and beans in another; so that the gardens of one particular household are scattered in different spots. 241

After the man and his sons have hoed the gardens, clearing the ground first if necessary, his wives are each given portions of their own to plant, weed and reap. In hoeing for any particular crop the land is 241 592 421

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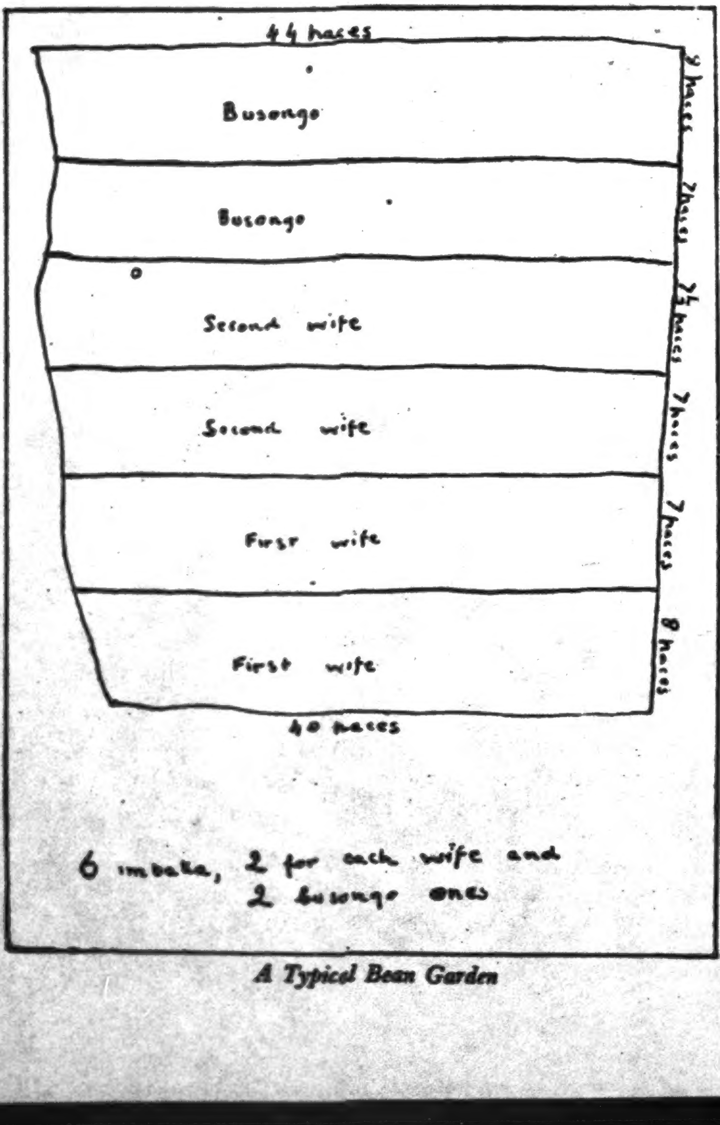
divided up into separate plots (*imbaka*) all roughly of the same size, and one or two of these plots are assigned to each wife. There is no standard size for a plot (*ulupaka*), the only important thing being that there should be equality between the several wives of one man in the areas allotted to them.

The rights of a woman to dispose of the crops of her own gardens (*imigunda*), that is of the plots (*imbaka*) allotted to her by her husband,

Plan C


44 paces
Busongo
Busongo
Second wife
Second wife
First wife
First wife
40 paces
9 paces
7 paces
7½ paces
7 paces
7 paces
8 paces
6 imbaka, 2 for each wife and
2 busongo ones

A Typical Bean Garden

vary in different circumstances. Millet and rice, the two most valuable 241
crops, belong to the man and are stored by him ; so that the division of a 592
millet or rice garden into plots and their assignment to different wives is 421
rather a division of labour than of property. But of all other crops the
woman on whose plots they have grown is an effective owner. She
stores them herself in her own house and no other wife of her husband
can touch them ; it is only with him that her rights are in any way shared.

The main use of the crops which the Nyakyusa grow is to provide 592
food for each separate household group. Next in importance is the 543
provision of food and beer for hospitality, and for the making of gifts—both 574
in everyday life and on special ceremonial occasions. And, finally, there is [437]
the barter or sale of surplus crops to obtain salt, pots, clothes, cattle and
to pay tax. Each married woman, therefore, first uses her own crops
to feed her husband, her own children and herself. If she is the only wife
then she cooks for her husband every day, but, even if she is one of many,
she is yet careful to cook for him frequently, in order to keep his affection
and the various advantages which go with it.

When cooking for her husband she must, when necessary, prepare 543
sufficient for guests, for a man very often has friends and neighbours
eating with him ; and if he wishes to make a gift of cooked food, she cooks [574]
it for him from her own store. To provide meals for him and his guests
and cooked food for gifts is an obligation which she normally fulfils quite
willingly, as we have hinted above ; she may be fond of him ; it is in any
case to her interest to play her part in the co-operative relationship which
binds them together and from which both alike benefit. He hoes for her
and builds her house, he gives her a share of the household milk, which
he himself controls, he sleeps with and is gentle to her ; he has, without
the aid of any legal, moral or conventional sanctions, a great hold over
her, as she, on her side, has over him. But, if either fails to play their part
in willing co-operation, then there are, for both alike, these other sanctions
to fall back upon. A quarrel develops between them and leads to violence, [627]
perhaps he strikes her, perhaps she viciously repels him, one night, from
her bed ; and then the immediately injured party appeals to the neighbours
for support. They discuss the matter, censure one or the other, and try
to make it up between them ; if they fail to do so the case may go to
Court and one will then have to pay compensation to the other. Or it [626]
may happen, without any violent quarrel, without any formal appeal to the
neighbours, that one of them becomes aware that his conduct is provoking
their mockery and criticism ; and then in shame he mends his ways.
Or, finally, one of them may fall sick and suspect that wrong-doing on his [754]
part has been followed by spiritual retribution in the form of witchcraft.

A woman, then, uses her stores of food to cook not only for herself

A woman, then, uses her stores of food to cook not only for herself
421 and her children but also for her husband, and his guests and for gifts; she
593 has, however, every right both to entertain her own women friends to meals
595 and to make gifts of food to her relatives, and she does so when she chooses wihtout consulting her husband. Co-wives entertain one another if they are on friendly terms and even sometimes make a habit of taking their meals together; but this is entirely a matter of personal inclination, it is in no way necessarily inherent in their relationship; there is no community of property between them.

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595 This sharp division of property between fellow wives is well exemplified in the following story from a Kukwe family. I was discussing with a young man what happened if, in a polygynous household, the crops of one wife were a failure. He assured me that no action could possibly be taken to compel the others to give her a share of their crops, either for food or for seed; if they did give her a share it was kindness and goodwill alone that would prompt their doing so: "I saw it happen once," he continued, "in my own father's house. He had three wives and had hoed maize plots for them and divided them up, and each had planted her own maize. But, when it began to grow, that on one wife's plot was very poor while that on the others' plots was abundant, and at the harvest the one wife reaped very little maize indeed. So when the harvest was all gathered my father asked the other two whether, as they had plenty of maize, they would not give some of it to their fellow. At first they refused emphatically to give her any, saying that it had just happened so, they had reaped plenty and she had reaped little or none, but it was not their custom to divide up their crops and she, if she had reaped plenty and they had reaped little or none, would certainly not have given any of her crop to them. And they asked whether she was his favourite that he made such a suggestion. Let him, they said, spend a shilling or two on buying food for her himself. My father entreated them but still they refused.

"But day after day for a long time he went on entreating and persuading them, pointing out that she had children to feed and asking if they wished her to die of hunger; he, he said, was not in any way compelling them to hand over their food, it was entirely for them to decide whether they would not each give her a little; if they disliked doing so, well there was no more to be said. And at last they began to be persuaded, they discussed it all, the two of them together, and the fact that she had children to feed, and each gave her a portion of her own crop. And later, when this maize had all been consumed, they gave her seed also for the next year's planting."

I then asked if the one whose crop had failed was, in fact, his father's favourite wife or not. "No, she was not, one of the other two was his favourite. What they said about her being, perhaps, his favourite was 421 595 just their way of putting it."

Before passing to the discussion of the disposal of surplus crops we must dwell a little on the importance of a fair division of land between the several wives of a polygynist. Not only garden plots but also the bananas growing on the homestead are divided between them. Each wife is allotted a number of banana stems and is responsible for keeping their roots clear of weeds and she is also expected to weed and sweep the adjacent portion of the open space (*ulubingilo*). In the sweeping her husband will often assist her, her fellow wife will not. The bunches which grow on her own banana stems are her property and not even her husband will cut them without consulting her, save in exceptional circumstances. In every polygynous household, then, a division of garden plots and bananas is made between the wives, and, as it is made by the husband, it is a most important element of their relationships with one another.

For every man with more than one wife has a favourite, and, if he allows his affection for her to express itself in an inequitable division of land, then there is trouble in store: "Each wife is the owner of a plot (*ulupaka*) and each harvests and weeds it and keeps the food separately. The wives help each other if friendly but each wife must have her own plot—a maize plot, a bean plot, a cassava plot, a plot of sweet-potatoes, and so on. The bananas also are divided between the wives.

"A polygynist when he hoes his gardens is always afraid to give to any one wife a bigger plot than to another. [754] For it is thought that the wife who gets the smaller plot will whisper complaints of her husband among the people; and whispering complaints of a man brings witches to kill him. It is feared that in such a case, either the husband or else the favoured wife will be killed (by witchcraft). In consequence a man is always exceedingly careful, in dividing his garden into plots, to treat his wives fairly. But even so he will perhaps give to the wife whom he loves the plot with the best soil! And it happens sometimes that a polygynist's wife, when given a smaller plot than her co-wives, will sulk and refuse to [627] plant: 'Why,' she asks, 'do you give me such a small garden plot? Did I not cook for you while you were hoeing?' And, if her husband then loses his temper and strikes her, she will make a case before the neighbours. And they will say to him: 'Friend, you should make a just division, you will only set your wives against one another by not doing so and make them kill one another.' By this they mean that if one wife is angered she will bring the witches to kill her fellow wives!

"And if a woman is restless with her husband and is herself consider- 586 ing leaving him then she will be forever going and complaining to her

586 mothers[1] in secret that she is in trouble and that her husband has no regard for her, that he grudges her garden plots and gives her only small ones. Then maybe her mothers will take the initiative in suggesting that she should leave this man who is no husband and who loves her not. And they will tell their husband, her father, that his child is in trouble and—only think of it!—has scarcely a ridge[2] to call her own. So that if the girl does then find life with her husband intolerable and leaves him, her father will not be too hard on his daughter, he will not compel her to go back to him; for he knows that she was in trouble."

421 This statement, written by an educated Nyakyusa, brings out very
clearly both the fact that men do at times divide their land unfairly and
626 the nature of some of the sanctions which operate against such injustice.
754] The faith in witchcraft provides a moral sanction of which, if the man is fool enough to disregard it, he is very likely explicitly reminded in the course of the subsequent legal proceedings; the injured wife has an immediate hold over him in virtue of the relationship of practical co-operation and emotional intimacy in which they stand to each other, a hold which, if he attempts to break it by recourse to violence, is strengthened and given a legal form by the support of their neighbours. The support of her kin is an alternative legal force[3] which an injured wife

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[1] i.e. her father's wives.

[241] [2] For many crops the ground is hoed into ridges.

[3] Some readers may be puzzled by and somewhat critical of the meaning with which the concept of law is employed in this paper. This is not the place to meet their criticisms, but, in order to avoid misunderstanding, it is necessary to define that meaning precisely. Law, then, is here distinguished alike from morality with its religious sanctions, from convention with its constraining sense of shame and from the reciprocity dictated by self-interest—with all of which it is in fact inextricably intertwined. Law is here taken to be that normal or customary form of action in society which is kept in being by the inherent necessities of systematic cooperation among its members. The particular form of law varies in different areas of society in accordance with the particular conditions of each area; but some normal form of action there must be everywhere if social life is to continue; anarchy is, in the strictest sense of the word, impracticable. A breach of law is a course of action, on the part of some individual or minority group, which is inconsistent with the normal and accepted form of cooperative action, and which would therefore, if unchecked, make continued relationship between the lawbreakers and the other members of their society wholly impossible; it threatens to dissolve society into anarchy. But breaches of law are always in fact checked, as they must be, by the actions of those with whom the lawbreakers are in practice related; and it is these actions which are the sanctions of law.

If law is to be preserved it is necessary that the actions which sanction it should have an irresistible force, the lawbreaker must normally be helpless before them; and they are only thus irresistible if the great majority of those people with whom the lawbreaker is effectively related do in fact either participate in or at least approve of them. Now in civilized areas of society, in which vast numbers of people are related, legal sanctions must be applied by a central authority if they are to be effective, for only such a central may call in against her husband, if she desires divorce. And, it is hinted, 421 this particular force may sometimes be successfully invoked by a 626 plausible woman even without good cause.

In disposing of the surplus of their crops and bananas the respective 421 rights of a married woman and her husband vary in detail, though little 543 in substance, according as he has or has not made a formal division between them. It is not infrequent for a man to reserve for his own use one or two plots and some banana stems, which are then called *busongo* plots or bananas (*imbaka* or *ifijinja fya busongo*). In the planting, weeding and reaping of the *busongo* plots all the man's wives co-operate if he has several, but the final product is absolutely his own, it is stored by him and they have no part in it. Conversely, however, the rights of each woman to dispose of the surplus crop of the plots allotted to her are thereby greatly increased, for her husband cannot then touch it at all.

In any case, whether or not *busongo* plots and bananas have been set aside, a woman's obligations to provide food for her husband's con-

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authority can possibly either act over the whole area or command general approval and support for its actions.

But in primitive society it is otherwise. In a small and isolated group largely composed of personal acquaintances it is difficult to escape from one's friends; while the facts of every dispute, of every breach of law, are soon widely known; and in consequence, it is there perfectly possible at times for legal sanctions to be effective without the intervention of any central authority at all. The neighbours, or the kinsmen, or the affines of a lawbreaker are in themselves a large and important section of his society, and he can only with difficulty escape their authority; he can not lose himself in a great city as can his civilised counterpart. And so the typical method of legal procedure in a primitive society is for action to be taken against a lawbreaker by those more nearly concerned, supported by general public approval. And it frequently happens that the only effective action is taken singlehanded by the injured party; nevertheless if that action is supported and strengthened by any generally expressed approval we can not deny that it possesses a legal form.

In a primitive group any request which an individual may make to his kinsmen or neighbours for practical assistance against a lawbreaker, any appeal to their opinion in a dispute is a legal procedure, for it is an appeal to authority. It is they upon whom he is in practice most dependent. Nor is it only in "private life" that he depends upon them, for, owing to the smallness of the group, the distinction between "public" and "private life" hardly exists. In many situations they hold in their hands the whole force of his society; their actions and opinions are checked or supported by the informal but nonetheless effective jury of widespread public discussion; and if they are against him he has nowhere else to turn.

Now Nyakyusa society to-day is no longer isolated and primitive, [178- neither has it yet fully taken its place in the social system of the world; it 692] is in process of transition. Legal procedure is, quite inevitably, becoming everyday more and more an affair of the central territorial authorities, of the Governor in Council and the High Court of Tanganyika and of their appointed deputies: the local Magistrates, the District Officers and the Native Courts. But the process is not complete. In many situations of social life the new impersonal relationships with the great world are still, for the moment, more or less irrelevant and in them the old primitive sanctions retain their power.

421 593 sumption, for hospitality and for gifts are very much the same; but there, if he has *busongo* plots and bananas of his own, her obligations cease. Bananas demanded by the chief, money for tax and for his own clothes he provides for himself by making use of his *busongo* crops, and he may even keep some of them as a security against possible famine; and so he leaves her free to dispose of her own surplus as she pleases. If, however, he has reserved no plots for himself then the surplus of each wife's plot is jointly owned by her and her husband. Neither can rightly dispose of it, in any large quantity, without consulting the other; neither can be denied the right to dispose of it, after consultation with the other, for any urgent need.

Sometimes however a division is made by the husband between himself and his wife not of land but of crops; after the harvest he takes a portion of the crop of her plots for his own use, leaving the bulk of it to her for cooking and for her own needs. In that case, once the division is made, their respective rights are just the same as if the portion kept for himself had been grown on a *busongo* plot.

The following words of a young Kukwe man make these points clear. I had asked him about the respective rights of husband and wife to dispose of maize and beans for cash: "Normally," he replied, "if the man has not kept any *busongo* plot separate and the crop is in consequence their common property, he will speak to his wife and ask her to take some of the beans and sell them and buy him a cloth with the proceeds. But an inconsiderate husband may just take them without consultation. So with the woman, if she wants a cloth she tells her husband and suggests taking some beans and selling them in order to buy one; and her husband agrees that she should, because there has been no division made, the crop is their common property. And if the man is in trouble for tax money he consults his wife about selling some maize or beans and she agrees, for otherwise he would be arrested. If, however, the man has kept a *busongo* plot separate then he takes and sells his own food and his wife hers, without consulting one another; because a division has been made."

[595] "And supposing," I asked, "that a man has three wives, whom does he consult about selling food, if there is no *busongo* plot?" "In that case," he replied, "if, maybe, he wants to procure tax money and has no *busongo* plot, then he speaks to his chief wife and tells her that they must assist him or he will be arrested and she suggests that they all consult together. So he calls his wives to him and they agree to give each so much from her store of food; maybe he shows them a basket for each to fill once; and then he puts it all together and sells it and pays his tax."

"This custom of keeping a *busongo plot*," he volunteered, "is only rarely followed nowadays in Bukukwe in the case of maize and beans, but it is quite common with cassava and with bananas."

421 543 [261]

"Why with cassava?" I asked "Because the husband thinks of cassava as a security against famine; if a famine comes he takes his *busongo* cassava and gives some to each of his wives."

"And why with bananas?" "Because if he has bananas of his own then when the chief sends the great-commoner round to collect bananas for guests, or to send to the hospital in Tukuyu, the man cuts one of his bananas. He realizes that, as he has two wives, if he takes a banana bunch from one of them she will be angry and wonder why he cut her bunch and not that of her fellow wife."

"So it is only polygynists who keep separate *busongo* bananas?" "Certainly, no monogamist would ever do so."

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"A man named Mwaisaka," he told me later, "once disputed with his wife over the selling of maize. They had just begun harvesting the crop when the woman told her husband that she intended to take some of the maize to the shops and sell it and buy some cloths; for her child was naked and she had neither cloth nor skin to carry him in on her back, she had to hold him in her arms. Mwaisaka, however, told her to wait a little until all the maize was harvested, when he would divide it up. His wife thereupon protested that the crop was their joint property and that he himself could take some for sale whenever he wished, so why not she also; and she pointed out that many other people had already begun to sell their maize and buy cloths. So they quarrelled and Mwaisaka struck his wife, who then ran complaining to the great-commoner. The great-commoner heard the case and judged that Mwaisaka was in the wrong because his wife had no skin for carrying her baby and was in trouble therefore. If, he said, she had not been in such trouble over carrying the child they would have given their opinion against her for refusing to agree with her husband's proposal to wait and finish harvesting first, but as it was they thought that Mwaisaka was in the wrong; no division of plots or crop had been made and the food was their common property. And Mwaisaka admitted that he was wrong." "Did he pay his wife any compensation for the blow?" I asked. "No, they reconciled them to one another."

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"And if a man," I enquired further, "takes some of the food which belongs to himself and his wife jointly and sells it without telling her, will she make a case against him?" "She may, but if she is a gentle wife she argues it out alone with her husband; she asks him why he did not consult her, for there is now but little left and she wonders what they will eat. And her husband, if he is a sensible man, agrees with her and admits that he was in fault. But if, instead, the man makes out that he had every right to take it, for the food is as much his as hers, and if he is indignant at her protest then that attitude will bring a quarrel between them."

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The most important reason which traditionally impelled men to reserve *busongo* plots and bananas was, so the old men told me, the frequent lack of affection and generosity in women towards their married step-children. If one of his wives had died or left him, then a man might find that his children by her, when they came to visit him, received but scanty entertainment from his other wives and went away home empty-handed. So to obviate this state of affairs he would set aside *busongo* plots and bananas, and take food and gifts for these motherless children thence. In the old days married children nearly always lived within a mile or two of their father's house and visits were frequent. Nowadays this reason, which still continues to operate, tends to be overshadowed by the desire on the man's part to have a definite portion of the crop marked out for sale to the Indian traders. Nevertheless many men prefer community of property to an anti-harvest contract with their wives and so do not keep any *busongo* plots at all.

"What," I asked an elderly man in Selya, "is a *busongo* plot?" "The word *busongo*, used either of bananas or of garden plots, means that they belong only to me, not to my wives; so that when my daughter comes I cut for her a banana bunch of my own and give her my own food. Not all men keep *busongo* plots; some like the customs but others do not. I myself have only one wife and no *busongo* plots, all my bananas are here and all my gardens too."

And another elderly man, also of Selya, said to me one day: "Some men like to have *busongo* plots, others do not. Nowadays these plots are used to grow crops for sale, but in the old days they were for feeding a man's children. I myself divide up all my gardens amongst my wives (he has three living with him at present). Even though three of my wives have died and one has left me, even so I do not keep a *busongo* plot; when my children come to visit me they are given food by Jane (his chief wife, who is also his favourite). At first I divided up the children (i.e. the grown-up children whose mothers had either died or left him, and who in consequence had no special claim on any one of his present wives) assigning some to one, some to another of my wives, but the others grudged them food so now they all come to Jane." He here suggests that the meanness of two of his wives and the existence of many motherless children gave him good reason to reserve *busongo* plots and bananas, but he did not do so, he preferred to rely on the generosity of his favourite wife.

And besides providing entertainment for adult but motherless children, besides providing a definite portion of the crop for the husband to sell, *busongo* plots and bananas are also useful, as we have seen, to meet the demands of the chief and to secure the household against a shortage of food.

Unmarried children have the right to food partly in virtue of their 592
general relationship to their parents, partly because they themselves
assist in the work of the household. From the age of about six years boys 857
herd cattle, from about eleven years they begin to hoe; while girls help 241
their mothers in field work, in the fetching of wood and water and in the care of infants. And, owing to their practical usefulness, there seems to be less difficulty in getting motherless[1] children regularly fed before they marry than in getting them entertained afterwards. Each such child is allotted to one wife and is mainly fed by her.

In some households unmarried sons hoe only the particular plots of their own mothers; but in others the man and his sons work together as a team, hoeing each plot in turn. In ten neighbouring polygynous households I found that in three cases the sons confined themselves to the plots of their own mothers, in seven the man and his sons worked always together. Meals followed the same pattern as the hoeing. In the three cases the mother of each boy alone provided him with food, but in the other seven cases his step-mothers did also.

This variation of custom between different households was thus explained to me: "The custom of hoeing separately, each boy for his own mother only, is sometimes determined by lack of friendship between the women, sometimes by the slackness of their husband in hoeing. If he is slack about hoeing then it falls to the women to organize it, and each calls on her own son to hoe for her alone; and, in that case, if one wife has no son she will just have to enlist the services of other people to hoe for her (rewarding their efforts with food at the end of each day). Sometimes too the custom arises in this way—a boy finds that his step-mothers are reluctant to cook food for him when he comes in from hoeing, he complains that while his own mother cooks for him generously they do not, and so he begins to hoe for his mother alone.

"The custom of hoeing together, on the other hand, is determined by the will of the man, who himself organizes it. And whenever a man is vigorous in hoeing there you will find that he and his sons all hoe together. It is only when a man is slack that the custom of hoeing separately arises from the orders of the women, and if the man is vigorous in hoeing his wives are never reluctant and ungenerous about cooking, they bow to his will just as his sons do."

When their husband dies women pass to his heir. If the heir is a 768
brother of the dead man then he takes them all to wife, if a son he takes 587

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[1] The custom of marrying two sisters and that of substituting a dead woman's sister or niece in her place considerably reduces the number of such "motherless" children, for the sister of a dead woman treats the latter's children as her own.

768 all except his own mother, whom he either builds for at a little distance
587 and looks after, or else gives to a half-brother.[1] Inherited wives have the
[421] same land rights as others, and a mother for whom a son builds and hoes
is treated by him, in the matter of land, just like a wife.

737 And a married man often supports an old woman—a mother, mother-in-law or elder sister—whose husband, though still alive, is incapable of hoeing and who has no unmarried sons. He may either hoe for her on her own husband's land or else assign to her a plot or two of his own.

241 The gardens of a household are not only worked by its members,
476 other people assist them from time to time. Each married man usually invites a group of his village neighbours to help him with a day's hoeing two or three times a year, entertaining them to food and beer after the work is over. A married woman likewise is often assisted by women friends from neighbouring households in the planting, weeding or reaping of her crops and them she rewards simply with a luxurious meal in the evening, without any beer. Again, as we have seen, a married woman sometimes engages a young man to hoe for her regularly, for a month or more at a time, and pays him by feeding him well for that period.

241 But although this last custom is still common it is beginning to
464 decline; fewer men each year are willing to work for any length of time except for money, and already in some of the more prosperous households young men are found to be employed in hoeing at the rate of 2/- a month in addition to their food. The young men who thus accept employment in hoeing are always the poor ones, those for whom (whether because their fathers are poor in cattle or because they have many elder brothers before them) the prospect of getting married is too distant to stimulate them to any great diligence at home. In the plain of Mungonde, however, where ploughs are extensively used, the owners of ploughs make a considerable profit by hiring themselves out with their ploughs at 2/- a plot (*ulupaka*).

241 Kinsmen and affines also often assist in a household's hoeing. When
592 a man inherits his dead father's wealth then he assumes the position of
602 father towards his own younger brothers and is responsible for the
606 marriages of any who are bachelors; they then hoe for him and are fed by
his wives just as unmarried sons do. Sons-in-law, again, are expected to bring their friends now and then to help their father-in-law in hoeing and they often do so, more particularly if they are behindhand with the marriage-cattle. After the day's work is over, however, they are entertained just as sumptuously as an ordinary work-party of neighbours.

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[1] And any kinswoman of his mother (sister or niece) whom his father has married is treated likewise.

Further, if a young man's own father is poor in cattle, he will often attach himself to the household of a rich kinsman, a brother of his father or of his mother, and hoe regularly for him. This is far more paying than hiring himself out to a mere neighbour, for he thereby places his rich kinsman *in loco parentis* and eventually gets from him a substantial proportion of his marriage cattle. 464 602

6. *INDIVIDUAL RIGHTS IN RELATION TO VILLAGE GROUP AND CHIEF*

Land is not owned in any absolute sense either by the man and his household who live on and cultivate it, or by the village group, or by the chief, but by all of them together. Land tenure among the Nyakyusa is a coherent system of rights in which the chief as overlord, the age-village under the leadership of its great-commoner, the individual male holder, his wives and children all participate. In this the Nyakyusa are in no way peculiar, for "absolute ownership" of land is a fiction nowhere realized; even in Western Europe the use of land is hedged by state and municipal regulations while the security of every owner's tenure is dependent upon political conditions which are not necessarily permanent. Everywhere, whether in civilized or in primitive society, the holding of land is "communal" in the sense that the individual's rights are dependent upon his social relationships, upon his membership of some group with a definite cultural idiom and social organization of its own; everywhere the holding of land is "individual" in the sense that particular people have, at any one moment, definite rights to participate in the use and to share the produce of particular pieces of ground. 423

There is however at the present time a difference of type between the land-tenure systems of Western Europe and those of the Central African tribes. Rapidly though these latter groups are being integrated with the world-wide organization of modern civilization, the process is not yet complete; and these systems of land-tenure still have some characteristics of the old primitive state wherein small and isolated groups were worlds unto themselves. For in some respects they are still isolated. The Nyakyusa, for example, are 400 miles from the nearest railway and, with the exception of a few small missions and plantations, they remain in occupation of all that traditional tribal land. Now in small and isolated social groups personal relationships necessarily dominate the holding of land for there are few or no impersonal relationships within their society at all. In the land-tenure systems of the vast social organizations of civilized society, on the other hand, impersonal relationship necessarily play an important part, though the precise legal emphasis which is laid 000

600 upon them differs in different areas. In Western Europe, at present, they entirely dominate the holding of land and the personal relationships of small local groups have there little or no legal significance. But in the U.S.S.R. the emphasis is different.[1]

As it is with the Western European groups that the Nyakyusa are, at present, most closely bound up, it might seem probable that their system of land-tenure would develop in time into something resembling the familar forms of Western Europe. But it is not certain; it is possible that, as ever more effective integration with world society increases the new legal importance of impersonal relationships, on the one hand, so a deliberate policy may preserve something of the old legal importance of personal relationships on the other. At the moment, such a policy is in fact active. For indirect rule through the Native Courts ensures that, in general, only such legal changes are made in the system of land-tenure as are strictly inevitable under modern conditions; and modern conditions do not in any way inevitably demand Western European forms.

The contrast between the Nyakyusa system and the English, for example, is still very great. In his tenure of land the Englishman, no less than the Nyakyusa, is bound by social obligations; but, while for the Englishman these obligations are largely of a general and impersonal kind, binding him directly to the huge State of which he is a citizen, for the Nyakyusa they still bind him most directly to a small group of neighbours, the majority of whom he meets every other day. In England a man may, if he complies with the law of the State in doing so, permanently own land in a village where none of his other interests lie, where none of his time is spent and in which he is only a name. In the tiny villages of the Nyakyusa no African Native can own land[2] unless he himself either works it or is a full and effective member of the local community.

There is another great difference too between the English and the Nyakyusa systems of land-tenure contingent upon the different economic value which land has in the two areas. In England, with its elaboration and diversity of practical techniques, all kinds of land are exceedingly scarce and valuable and, in consequence, the various land rights of individuals and groups are everywhere precisely defined in theory and rigorously insisted upon in practice. Among the Nyakyusa, on the other hand, only some kind of lands are sufficiently scarce and valuable to be treated thus. When we turn to examine the less valuable kinds, we find a vagueness of definition and a lack of insistence even upon admitted rights which will continue to puzzle us until we realize that it is only in so far as as men compete for land that rules of tenure are developed among them. And where competition is weakest there the rules are least strict.

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[1] cf. S. and B. Webb *Soviet Communism*, second edition, volume 1, pp. 233-284.

[2] It is, however, possible under modern condition to own certain trees without these restrictions. cf. pp. 44-5.

In Nyakyusa society every married man holds land of his own for building and agriculture, for there is still enough for all, and pastures his cattle on the grasslands of some village group. His land rights, in which, as we have seen, his wives and children participate, are conditioned at every point by his membership of a particular village, his allegiance to a particular chief and by the particular cultural idiom of his tribal group. 423

Before the " coming out " a boy's village, as we have seen, is built on land assigned for the purpose by the parent village. A block of land for building is set aside by the great-commoner in consultation with the other men as their sons begin to reach the age of leaving home, and there the boys are often joined later by contemporaries, sons of other villages of men. At first building sites alone are needed, but later, as the boys grow up and get married, they need gardens too and bring the adjacent ground under cultivation. In doing so they are careful not to infringe upon their fathers' land rights, they either hoe land which was previously unowned[1] or else that which has been specifically granted to them by the parent village. Into the nature of such grants of garden land before the " coming out "—whether they are block grants by the parent village as a whole to the boys' village as a whole, or separate grants by individuals to individuals—I omitted to enquire. 361 425

At the " coming out " a whole tract of land is formally allotted to each village of young men by the old chief and his great-commoners and within this tract individuals take up garden land by hoeing it. At the " coming out " it is said that " everything is made new," boundaries are redrawn and the new chiefdoms and villages of the young men are ceremonially incorporated.

The situation in which individual land rights in relation to the village group and the chief are clearest to an observer is that of the taking up of land after a move, for it is in this situation that disputes are most frequent. 423

Mainly owing to their religious beliefs movement from one place to another is constant among the pagan Nyakyusa. If a man or his wife or child falls sick and does not respond quickly to medical treatment the witchcraft of neighbours is at once suspected as a possible cause; there are always other possible causes too so diviners are consulted in order to decide between them; but if the suspicion of neighbourly witchcraft is confirmed then the cure for the sickness is held to lie in moving. In every village " some people " are vaguely believed to have the power of 166 754

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[1] Vide infra, pp.41-2.

166 754 witchcraft, which consists in the ability to translate evil impulses into effective though immaterial actions and thus to cause sickness and death; but it is never clearly known who all these people are. And so the coincidence of an obstinate illness with any quarrel or social tension of any kind between neighbours gives rise to a suspicion that witchcraft is at work. If the diviners support this theory then almost the only thing to be done nowadays is to move and get out of range; for witchcraft cannot act at a distance. In the old days an alternative course of action was [695] open to the sick man, he might identify the witch with the aid of the *mwafi* ordeal and get him expelled from the chiefdom. Expulsions for witchcraft still occur to-day, but only rarely, for the *mwafi* ordeal, the most certain detector of witches, is no longer legal. There is, however, nothing to prevent a man who thinks himself bewitched from moving. Now this fact of constant movement is of the utmost importance in determining the Nyakyusa system of land tenure since it tends to prevent the development of any exclusive attachment to particular pieces of ground. And the cause of this constant movement is mainly, though not entirely, the fear of witchcraft.

For ordinary commoners only their immediate neighbours are believed to be dangerous and sick men therefore sometimes move only from one village to another of the same chiefdom; but very many move right outside to another chiefdom altogether, preferring to make assurance doubly sure and to put a long distance between themselves and their spiritual persecutors. And in the case of certain men of a high social status, for whom a wider circle is dangerous, it is held to be quite essential to leave the chiefdom.

166 I have no detailed statistics on moving but I estimate that, among the pagan Nyakyusa, at least 80% of the married men have, at some time or other, moved from the chiefdoms in which they first cultivated gardens of their own. They may stay away for a few weeks only, they may stay away for thirty years or they may never return at all. If, however, the chiefdom from which they first moved is the one which they regard as home then they usually do return to it in the end. A man's home chiefdom is pre-eminently the one in which his father lives, or, if dead, spent most of his life and is now buried. And this is normally the one in which he himself also was born and brought up and in which he first took up land.

166 621 When a man moves from his home chiefdom, his village neighbours there, in the majority of cases, follow him within two months and ceremonially invite him back with a show of force by seizing his belongings and carrying them off home to his old village. They may really like and respect him and if, as is usually the case, he has moved because of sick-

166 621 ness, they are most anxious to prove to him that his tacit suspicions are unfounded, they wish to rid themselves of the slur of witchcraft. To invite him back is to express affection for him and so to demonstrate that he could not have been bewitched for, see, everyone likes him !

Such an invitation is often, but by no means always accepted. If the man refuses the first time then the villagers may or may not go again later to ask him back ; but if he was an important member of the village—the great-commoner, a noted doctor, the son of an old family—the invitations may go on being repeated for years ; and he will then almost certainly return in the end. Whether or not he accepts a particular invitation depends again largely upon his own health and that of his family and upon his relations with his new neighbours at the time it is made. Sickness and suspected witchcraft, or quarrels and insults in the new village will incline him to go home. And a man can always return, even without an invitation, unless he was originally expelled for being himself a witch.

I asked a young man of Selya whether of those who moved from their home chiefdoms the majority came back again or not. " The majority do come back, only a few stay permanently away. Some move for better food, the great majority because they fall sick and wish to recollect themselves in the tranquillity of another chiefdom—this is the main reason for moving ; but they come back in the end. Whenever a man is slighted in the country to which he has gone, whenever he falls sick there—back he goes home ! For when he is slighted he remembers that in his own country he belongs to an old family and that it is not as if he had moved under suspicion of being a witch, he only moved because he fell sick, and now he will return home. A man does not lose his affection for home, for there is his sacred grove, his fathers' graves. But the real reason for returning is that in every other place a man is less respected than at home, [609] he is made light of ; but in his own country he is known to belong to an old family and is treated with great respect, his neighbours call to mind the days when he and they herded cows together as boys and the fact that his father is buried among them. That is why people go home again."

" And what of those who move to find better food ? " I enquired. " They come back too ; if they are slighted in the place to which they have moved they come back home."

" For example there was a man who built here in the village of Igembe, he prospered greatly and his house was very long ; we young men grew up to fin[illegible]im here and thought he was one of our own people, we had no idea that he belonged to Masoko. And then one day he was insulted, and immediately he moved and went home. He had lived with us for many, many years."

166 425 In discussing the taking up of land after a move it is therefore necessary to distinguish clearly between men who move to villages in which they are newcomers and those who return, after a period of absence, to their home villages.

166 425 622 624 621 Normally land for building and gardens is granted to a stranger by the villagers concerned acting through their great-commoner, not by the chief, who is usually informed but seldom interferes. Only if a member of the chief's own family is moving within the chiefdom from one village to another or if a very important stranger comes from outside, he may go to the chief and ask for a building plot, and the chief may then exercise his right of overlordship and grant the request. But this is a special and unusual case. Village land is primarily governed by village relationships. It is villagers who grant land to an ordinary newcomer and thereby accept him as one of themselves. His own wishes are taken into account whenever possible; if he sees a piece of ground which attracts him and no one else has a claim to it then it will be his.

An old Kukwe great-commoner thus explained the granting of land to a stranger: " First the stranger from another country comes to a friend in this village and says that he wishes to build here, then the friend brings him to me, the great-commoner,—or he may come directly to me in the first place; and I go and tell the chief. Then the chief, according [431] to the old custom, would say ' Good! Go and cut a banana bunch for him,' and I would cut a banana bunch from my own homestead, not from anyone else's, and the chief would send one of his wives to me with cooked food for our guest the stranger. This custom is now no longer followed in our country but in the more remote chiefdoms they still cut bananas and cook food in such cases; here the stranger now just comes and is not given anything. And again when he wishes to begin building we go and tell the chief, who tells us to give him a plot to build on, and then my friends and I choose a place for him." " Does not the chief have a say in choosing the plot?" I enquired. " No, not the chief; does he know the details of our land-rights? He does not. It is we who choose the place for the newcomer. But if he does not like the plot we give him and has himself seen a place which he prefers he will ask us for it and maybe we will give it him." " Do not people sometimes go directly to the chief to ask for land?" " No, they always come first to us, the commoners, not to the chief; how should a man presume to approach the chief by himself? No, a newcomer always approaches us, and it is we who inform the chief. I, the great-commoner, may go alone to tell the chief or I may take the stranger with me, as I please." And a young Kukwe chief confirmed this, with perhaps a shade more emphasis on the part played by the chief: " The stranger goes first to the great-commoner

and makes his request for land, then the great-commoner goes to the chief 166
and informs him that so and so has come with a request for land, and he 425
asks his opinion as to which piece to give the stranger. Then the chief
suggests that perhaps the great-commoner knows of a suitable plot. So 621
the chief and the great-commoner discuss it together and decide. Then 622
the great-commoner shows the plot to the stranger." 624

It is quite clear in my evidence that, though the normal custom is to consult the chief when a newcomer is given land, yet the newcomer's title is in no way invalidated if the great-commoner omits to do so at the time and simply tells the chief later after the grant has been made.

So much for the initial reception of a stranger and the grant of a building plot, the next step is the grant of garden land. But before discussing this we must emphasize the willingness with which strangers are received both by the villagers and the chief. Men are still scarcer than land in most places and the prestige and prosperity of villages and chiefdoms is increased by each addition to their membership. Strangers are always given a house to sleep in while building their own and are usually given food as well, both formally by the chief and great-commoner
and informally by the neighbours. The great-commoner who told me [431]
that the formal custom of giving food had lapsed in his country belongs to the chiefdom which adjoins Rungwe mission, a small chiefdom to which very considerable immigration has taken place in the last forty years; there the relative scarcity of land is reflected in a decline of hospitality to newcomers, though none have yet been refused land. But the usual custom still is to receive them generously. "It is an ancient custom amongst us to welcome strangers, so that the chiefdom may increase and flourish."

In giving garden-land to a newcomer the procedure differs slightly 166
according to the value of the land in question. The great-commoner 425
takes him out and shows him, if the land is scarce and valuable, an 621
exactly demarcated piece, if it is cheap and plentiful, a vaguely defined 624
area within which he can hoe where he likes. In the upland chiefdoms, for example, the best maize and bean plots are scarce; men hoe the same ground year in year out, planting maize and beans alternately in it or, sometimes, maize only with an interval of a few months fallow each year; and in this case the boundaries of each man's ground are precisely marked. But for the growing of sweet-potatoes and millet there is plenty of good land available and men hoe more or less where they please. "A stranger named Tusekelege," I was told, "came to the village of Ibungila (in Kukwe country). Amongst other things he asked for a maize-garden, so they gave him the ground of a man Mwasumbi who had moved to Masoko. They told Tusekelege that he could hoe only the same extent of ground

166 425 624 624 as Mwasumbi had, because there were some other maize-gardens adjoining it. The other land he asked for was not near anyone else's gardens, so he was told that he could hoe just where he liked."

Such is the custom of giving land to a newcomer, whether he comes from a different chiefdom altogether or from another village of the same chiefdom. He has no claim to any particular land but the villagers welcome him gladly and give some to him. If, however, a man returns after a period of absence to his home village then he has a claim, varying in strength in different circumstances, to enter again into possession of his old building site and gardens. But his claim is never an absolute one, it depends upon his relationship to the villagers and to the chief; they it is who decide it.

166 423 621 Let us first consider building sites. If a man moves from his home village leaving his house standing there and another is given the site, and if he returns before the house has fallen into disrepair, before it has had to be rebuilt, then the occupier will be evicted in his favour, the villagers will always admit his claim to that site. But only, of course, if they are in general prepared to have him back in the village; if he has been expelled for witchcraft or some other serious crime he has no possible claim at all.

When men move and leave their houses behind it usually but not always implies an intention to return in a few months. If they move because of sickness and the suspicion of witchcraft men are often invited back, as we have seen, and sometimes they accept the first invitation; and then, if they and their families remain healthy, all is well. If a more protracted absence is intended from the first then the normal custom is to pull down the house and to carry the bamboos with one.

A young Kukwe great-commoner gave me from his own experience an example of the eviction of a man in occupation of another's house: "While my father was alive I fell sick and moved to Mwankenja's country leaving my house behind without taking it down. And I returned quite soon again, I was not a year away. But meanwhile, when I first moved, a stranger came and was put into my house, he was not told that I might be returning; so he went into my house—but as he was a bachelor the house was too big[1] for him. Afterwards my friends remembered me and went to bring me back, and I came with them; and I said that as another man had been put into my house and as I was myself an owner of the soil (i.e. he was the son of an old family and so had the right to choose any unoccupied plot for himself anywhere he pleased) I would build elsewhere. But they would not hear of it and said that I must go back to my own house. So they informed the newcomer that the owner had returned and gave him another place."

[1] This is a boast, irrelevant to the main argument.

Again if the villagers expect a man to return and if they themselves wish him to do so, then his homestead is normally kept for him. If he refuses their first formal invitation to return they may give his homestead to a newcomer meanwhile, but only provisionally; and if he does return later, whether by another formal invitation or on his own initiative, then the newcomer is moved elsewhere. 166 423 621

The difficulty arises when a man comes back unexpectedly to find that a newcomer has been given his site unconditionally. Perhaps the villagers are indifferent to his return and so have omitted to keep his site for him; but far more frequently it is that he has been many years away and has refused several invitations to return, and so has led the villagers to think that he is never going to come back at all. But, whatever the reason, if his site has been given unconditionally to a newcomer, who has then built his own house upon it, the villagers cannot possibly evict the newcomer in his favour; his only chance of getting the old site back lies in an indirect and tactful approach to the chief. The chief, as overlord, has the power to evict the newcomer if he chooses, but he may not choose to do so. And, if he does not, then the man will have to build elsewhere. 166 423 425 621 [622]

I was discussing these points with one of our servants whose father had recently moved from Bulindanajo, his home village in Mwaipopo's chiefdom in Selya, to a village in the adjoining chiefdom. I asked him to explain to me his father's potential rights, if he were to return later to his home village, to enter again into possession of his old homestead.

"If a man, like my father for instance, has moved and his friends wish him to return they go to fetch him back, but if he then at first refuses to return they may put in a stranger on his homestead. But in doing so they inform the stranger that the owner of the homestead is away in such a country, that he, the stranger, is just eating the bananas meanwhile (i.e. is only in temporary possession) and that, when the owner returns, he will have to leave this place and build on another site which they will then give him for his own. In that case when my father returns, if he wishes for his old site, his friends will move the newcomer away, because they have told him beforehand, and my father will have his own old site.

"As it happens, however, when my father did actually move recently they did not put any newcomer on to his site, but Mwakyoma . . . . one of his neighbours chose to build there himself. And him they do not inform of my father's rights, for he is already aware of them. If my father returns later his friends will turn Mwakyoma out telling him to go back to his own old site. For it always happens with a good homestead on which bananas do well that people covet it, and when the owner moves,

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[1] This is a boast, irrelevant to the main argument.

166 someone, coveting the vacant place, goes and builds there. But if it is a
423 neighbour he knows that it is not his own and when the owner returns he
425 relinquishes it and goes back to where he was before.

621 “It may happen, however, that the owner of a homestead moves and lives many years away; his friends go to fetch him but he continually refuses to return, until they begin to think that he has moved finally and forever. And, in that case, they may, perhaps, put a man in there without informing him of the existence of any other owner. The newcomer builds a house and thrives. And if the previous owner then after all comes back they do not evict the newcomer; shame prevents them, for they never told him of any such possibility. Then the old owner, as it were my father for example, seeing that another is in occupation of his site goes to a different village in the same chiefdom and asks for a site. But the great-commoner to whom he goes asks him why he is approaching him—‘It is true,’ my father then answers, ‘that I have a place in Bulindanajo and the graves of my family and my trees are there, but another man has
[622] built upon it.’ Then the great-commoner gives him a site, but he also goes to tell the chief what has happened. Then the chief, Mwaipopo, summons the men of Bulindanajo and asks them why they have driven my father away, on his return to the country, from the site that was always his. The villagers admit their mistake but explain to the chief that, as they thought my father was never going to return at all, they put in another man. So they discuss the matter; and the chief, if he so wishes, may summon the present occupier and tell him that his friends deceived him by omitting to inform him of the probable return of the owner of that site and that now, as the owner has returned, they will have to move him and give him another site; and thus the chief evicts the present holder. But such an action must come from the chief, his neighbours cannot evict the occupier, for they gave him no initial warning. So then my father would return to his own old site. But maybe in such a case my father would himself prefer to build elsewhere, he would say to his friends that, as another had built on his site, he would be content to watch over his family graves from afar and to build in a different place.”

As for his old garden-land, to that too a man has a title on returning to his home village, but it is only scarce and valuable ground that he will ever trouble to claim if others are in possession. At first, when he moves from the village, his fellows, if they intend to invite him back, keep his gardens for him just as they keep his house site; but if he refuses to return at first then maybe the ground is given to others. But he can always recover it later when he does return. It is easier to get old gardens back than it is to get a house site, for no great hardship is involved for an

evicted man. And it is even possible sometimes to make good a claim to 166
the old gardens of one's father, even although one has never hoed them at 423
all oneself; this is more difficult however, the claim may be refused or 425
alternatively a compromise may be effected by dividing the land in 621
question between the claimant and the present possessors.

As an example of the keeping of gardens vacant for a man who is 166
expected to return we may cite the story of Nyambo, a Kukwe, as it was 423
told to me by a young man who lived near him. This case is of particular 621
interest as it brings out two points to which we have not yet referred; 622
firstly that the chief himself sometimes takes the initiative in inviting a
man back, and that his doing so widens the invitation to include all the villages of the chiefdom, not only the man's old home village; and secondly *that it possible to build in one village of* a chiefdom and own gardens in another. This second point will be discussed again later.

" A man named Nyambo moved because eight of his cows all died in quick succession and he thought that his neighbours, maybe, had bewitched them; but he moved without telling people of this reason. After he had spent eight months away, however, the chief sent his great-commoner to enquire of him why he had moved and left his chief wondering, and Nyambo replied that he had moved because of the death of eight of his cows all within a few days of one another, a fact which had led him to suspect that his neighbours hated him; and he would never, he told the great-commoner to inform the chief, be persuaded to return. So the great-commoner reported all this to the chief. Whereupon the chief suggested that it would be a good thing to go and fetch Nyambo back forcibly. And he, the chief, went in person with a crowd of men from Nyambo's old village and they just seized upon his furniture and drove off his cows and took them all home. But even so Nyambo refused to return and spent another two days where he was. Then they sent again to urge him to come back and at last he agreed because the chief himself had begged him to do so; he said, however, that he would prefer not to build in his old place, because his cows had died there, but rather across the river in the village of a different great-commoner. And so he did. None the less he continued to hoe his old gardens, and he still does so. They had left his gardens vacant because they had always meant to fetch him back. Now that he has returned and gone to live in another village they have given his old building site to a newcomer from Masoko, but his gardens are still his own."

The story of Kalonga, another Kukwe, exemplifies a man's right to 166
reclaim his own old gardens. It will be noticed that the ground which 423
he reclaimed was of particular value. 425

166 " Kalonga had moved from the country of Kissokola to Masoko and
423 other people had taken his ground and hoed it. It is the kind of ground
425 which we call *umfweje*, rich soil near water. Kalonga had moved because
of illness, several of his children had fallen sick and more than one had
died. After he moved his neighbours never went to invite him back.

" Now Kalonga himself did not come back to live, but he brought
166 back his mother. She had gone with him, but then she began to complain
423 that he had taken her to an unpleasant country and she would prefer to go
425 home ; so he came back just to build a house for her. He did not build
622 for her in his old village but asked another great-commoner (of the same
chiefdom) for a site ; he did however go to the chief to reclaim his old
garden (the *umfweje* to which we have already referred). Now four men
had divided the ground between them ; they had approached the great-commoner and asked for it and he had referred them to the chief, fearing that he might be blamed for giving the ground away if Kalonga should return subsequently. And the chief agreed that they should take it, so as not to let it lie idle.

" So when Kalonga came and reclaimed it the chief pointed out that he had moved and left the country (and so had no claim to the land). But no, Kalonga replied, he had not moved, for see he had brought back his mother and built a house for her, which was exactly equivalent to living in the chiefdom himself. And the chief admitted his argument and agreed that, so soon as the present holders had reaped their standing crops, he should re-enter into possession of his own ground. So now Kalonga comes regularly with his younger brothers and they hoe the land quickly (being many) for their mother and go home again. Kalonga is of an old family and his father is buried in that chiefdom."

166 And finally the story of Enoch the son of Mwakajileke, another
Kukwe, well illustrates the more limited rights of a son to claim his father's
423 old gardens which he himself has never hoed.

425 " Mwakajileke built in the village of Ibungila, and he died there in
622 1925. He had three sons, all of whom moved after his death ; one of
624 these sons, whose name was Enoch, went and built at Kyimbila ; and
meanwhile the chief gave the garden-land of Mwakajileke to other people. Part of this land was cultivated by a commoner named Gwaselya but he too, later on, moved into another chiefdom and the land was left unused. Then Enoch returned to the country to find that no one was now hoeing the ground which his father had used to hoe, so he approached Mwangokile, the great-commer, and asked for it : ' As no one is hoeing your father's land,' Mwangokile replied, ' you may go and hoe it yourself, but there are some other men who want it and they have already asked me for it, so I must divide it between you.' So he went with them and marked

166 out boundaries, drawing lines on the ground; he divided the land into
423 three portions, one for each. The others were strangers to the chiefdom
425 but had taken a fancy to that piece of land."

622 The sentence in this story "The chief gave the garden land of
624 Mwakajileke to other people" deserves remark for it in no way implies any other custom than the one we have previously described. And it illustrates the dangers of relying too much on verbal statements of custom. When a stranger is given land by a great-commoner after reference to the chief he is commonly said to have been given it by the chief. The chief, from one point of view, is the overlord and the great-commoner acts for him. But, and this is an essential qualification, the great-commoner nearly always so acts for the chief and, save exceptionally, it is wholly incorrect for the chief to grant land directly. The great-commoner acts not only for the chief but also as the representative and leader of the villagers; and in relation to them the chief cannot exercise his rights of overlordship save occasionally and in particular circumstances.

166 The old Kukwe great-commoner whom we have already quoted
423 explained this to me very clearly: "Occasionally one of his own men will ask a chief to give him ground to hoe in another village, 'If indeed you
425 say that the land is yours!' (challenging the chief to assert his right of
621 overlordship). Then the chief agrees that all the land is most certainly
622 his; but still, if it is possible, he tells the man to go to the commoners of that village and ask them for land. If the chief does not do this (but makes a direct grant of land) we blame him for not being a true chief: 'Who is it,' we ask him, 'that has built up this country? Did you do it all by yourself? It is we the commoners who have built it up! And how is it, then, that you give this man land without consulting us?'"
[754 Nor is the censure of his people mere idle talk for a Nyakyusa chief, he
626] fears that they may bewitch him, that the witches among them, led by the great-commoners of the several villages, may come in dreams at night and cause him to sicken or to die.

166 So much for the initial grants of land to newcomers and the rights of men returning to their home chiefdoms. If a man goes back, after
423 moving, to a chiefdom which is in no sense his home, where, that is to say, he is not a member of an old family but in which he has himself spent some years, he is treated as a newcomer. He is welcomed but he has no rights to the ground, whether building-site or gardens, which he previously occupied.

423 Once established in a village, however, any man can hoe any unowned
425 ground within its borders and thereby make it his own. A newcomer for

423 425 the first few years, until he has become familiar with the details of the rights of the other villagers, will normally ask for more land as he requires it, in order to avoid unwitting trespass; but an old member asks nobody. If, however, it is desired to hoe land to which some other villager has a prior claim then his permission, as the owner, must first be asked. Any previously unowned land that an ordinary commoner once hoes is his property, all informants agree, so long as he remains a full member of the village. Within the village there is thus a theory of continuing ownership but, as we have seen in discussing the reclaiming of land after a move, it is only to the more valuable ground that it is strictly applied. A valuable garden may be left fallow for years but, so long as the owner is a member of the village, no one can take it without asking his permission; nor is he under any kind of obligation to give it away when asked. "If a stranger comes," a great-commoner told me, "and we commoners of the village want to give him some old gardens of one of our number we ask the owner to give the ground to the stranger; but if he refuses we cannot insist."

Many gardens, however, are not in fact continuously owned; men not infrequently hoe less valuable ground that has been left two or three years fallow without asking the permission of the previous holders, as they should strictly do. So long as the ground is relatively plentiful no objection is usually raised, but it always may be; and the increasing scarcity of land under modern conditions is already prompting some men to a new insistence upon their rights.

"In our country," a young Kukwe told me, "it is the maize and bean plots which are the most valuable, because we hoe them continuously, year after year. . . . Land for other crops is plentiful, so much so that if a man leaves one of these gardens fallow only for two years then anyone else who wishes can come and hoe it. Nowadays, however, the custom is changing a little and some men like to keep the same gardens continuously for all their hoeing."

In the case of the most scarce and valuable ground of all, that in the bottom of old volcanic craters, the principle of continuous ownership is carried furthest. Rights in it have always been insisted upon and whenever a holder of such land moves from the chiefdom then the nearest kinsman of his who lives there steps in and claims it. And here the village group ceases to be of any importance. It may be that long ago the land in each particular crater was owned solely by the members of some particular village but now it is held by old families scattered all over the chiefdom in which it lies. Apart from the craters, however, all arable land can be truly said to belong to some village or other.

It is, none the less, quite possible to hold garden-land in a village without being a member of it, but only if the land is kept in effective use.

We have already seen in two examples that a man, when returning to the 423
chiefdom from which he has moved, may recover his old gardens even 425
though he builds in a different village. And it frequently happens also that a man comes to a village and asks for garden-land only, continuing to live in another village, or even in another chiefdom. Such requests the villagers always, so far as I know, grant willingly, for once a man has taken up land in a new village there is every prospect that he will one day move altogether and build there. In case of sickness he is more likely to move to the group where he is already half-established and sure of a warm welcome than anywhere else.

When a man moves he has the right to reap the crops standing in his old gardens so soon as they ripen, but after that the ground, save in the case of craters, reverts to the joint ownership of villagers and chief. And his building plot and bananas revert to them immediately. The next-door neighbours on either side keep the bananas clean and eat the fruit themselves until the plot and the bananas are given by the villagers, with the chief's approval, to another man. If the previous holder has moved to a place without bananas and not very far away he may, in the first year, send to his late neighbours and ask to be allowed to cut and carry away some of the banana fruit "for my bananas in my new plot have not yet grown." But his request is of grace and not of right, it may be refused. If the villagers like and respect him and hope to persuade him to return later it will always be granted, but if they dislike him and are glad to be rid of him then it will not. If the plot is a separate one without immediate neighbours then no one keeps the bananas clean and, unless someone else is given the plot soon, they get choked with weeds and die.

When a man dies the heir takes his wives, his cattle and his moveable 423
property, and, if he comes to live in the dead man's village, his land also. 428
But if the heir remains in his own old village[1] he has no rights over the dead man's land. The situation is then exactly comparable to that which obtains when a man moves from one village to another, his land rights in the old village lapse.

Rights in trees differ in some respects from rights in land and they 423
differ also for different kinds of trees; and here, as an added complication, we are also faced with a difference of local custom.

Prior to the introduction of new trees by Europeans the only ones of 423
any great value to the Nyakyusa were the bamboo (*[illegible]*) and the *anya-* 824
ngati tree, whose botanical name I have been unable to find out. Bamboos

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[1] Owing to the age grouping among villagers and the long period which traditionally separated one pregnancy from another in a woman's life it is unusual to find full-brothers in the same village.

423 824 are used for house building, while the *syunguti* produces a fruit (*indilolo*) which is both delicious to eat and also full of seeds which are dried and crushed for ointment (*inyembe*). Of the two trees the bamboo is the more valuable.

423 425 621 Now among the Kukwe and Selya groups rights in these trees are somewhat similar to rights in the valuable crater plots. When a man moves, his bamboos and *syunguti* trees, unlike his bananas, do not revert to the villagers; normally they continue to belong to his nearest kinsman in that chiefdom, who cuts and uses the bamboos and picks the fruits of the *syunguti* trees. If the villagers give the site to another man then the newcomer has no rights over these trees unless the kinsman himself gives them to him. But it sometimes happens that, where only *syunguti* trees and not bamboos are involved, the kinsfolk do not bother to exercise their rights; then the trees are treated like bananas, picked by the neighbours until a newcomer is given that plot, and then by him.

423 425 628 *If* however, among the Selya and Kukwe groups, a man moves leaving no kinsfolk near at hand, then the chief (*umalafyale*) as the supreme overlord has a right to his trees, and if they are near the chief's own place this right is exercised; he cuts and uses the bamboos and his wives pick the *syunguti* trees. If another man is given the land by the villagers to build on then he goes and asks the chief to allow him some of the *syunguti* trees, and his request is usually granted, the chief gives him two or three of the trees, keeping two or three for himself. But the bamboos, being more valuable, are usually kept altogether by the chief. If, however, the ownerless trees are at a distance from the chief's place then he normally does not trouble to claim the *syunguti* trees but only the bamboos. The former are at first picked by the neighbours and later given by the villagers to a newcomer together with the site. And, even with the bamboos, if they are a long way from the chief's place a "good chief," they say, will allow the newcomer to cut some of them without payment; but it is wholly within the chief's power to keep them all for himself if he wishes, and "bad chiefs" do so. Furthermore a chief does occasionally also exercise his right to claim an ownerless *syunguti* tree at a distance. If one of his wives comes and complains to him that she has no *syunguti* tree of her own, then he takes her to a site from which someone has recently moved leaving ownerless trees behind and there he gives her one of the trees; the rest he leaves as usual to the villagers and so to the newcomer.

423 621 Bamboos are men's property and only a man can claim them but *syunguti* trees can be claimed by a kinswoman, a sister or a daughter, of the old owner if none of his near kinsmen have troubled to do so.

423 178 We must here take note of a most significant modern development. In the old days rights in trees could only be exercised by members of the

same chiefdom in which the trees were growing; for between chiefdoms 423
an actual or potential state of war always existed, and a man coming from 178
a hostile group to claim property would have been driven away violently. But to-day under European rule it is now customary for a man to cut his own bamboos, if he is living in a neighbouring chiefdom, instead of leaving them to his resident kinsfolk. The group within which property can be held is gradually widening.

Such is the custom among the Kukwe and Selya groups; their 423
rights in bamboos and *syunguti* trees are not normally lost when a man 681
moves provided there are kinsfolk left nearby to exercise them. The one exception to this rule is in the case of expulsion for witchcraft or other serious crime. Then even if the man expelled has left kinsfolk behind him, still the chief takes his trees.

Among the Nyakyusa proper, on the other hand, the *syunguti* trees 423
are treated like bananas. When a man moves he loses all rights in them 425
and, unless the chief steps in to take them, as he always may, they are 621
granted by the great-commoner, together with the soil, to the newcomer who is put on that site. Bamboos, as in Selya and Kukwe country, continue to belong to the kinsman of the man who has moved.[1]

Trees introduced by the Europeans, of which coffee trees are the 423
most valuable, have been declared by the Federation of Chiefs to be the 177
property of the planter, even although he has moved to a different chiefdom. This law was made after much anxious discussion between the 245
chiefs, the Administration and the Agricultural Department and is, of course, subject to revision if it is found after trial to be impracticable. In the case of coffee it has inevitably been modified in practice since coffee must be tended continuously if it is to remain free from pests and to bear fruit, and any man who actually looks after coffee trees has a generally admitted claim to the crop unless he is paid by the planter for his labour. The planter, however, in surrendering the trees to him may compel him to pay something for their initial value.

Further, as the Agricultural Officer has the right to uproot any untended coffee trees and must exercise it if pests are to be kept under control, the practice has grown up of his taking over any large number of abandoned trees and keeping them clean with labour paid by the Native Treasury; the trees are subsequently sold to some other man and the proceeds paid into the Native Treasury again. If, however, a planter of coffee trees makes arrangements, when he moves, for the cleaning of his coffee then the trees remain his own.

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[1] Some informants deny this and insist that they always pass to the chief. I was not myself long in Mwngonde among the Nyakyusa proper and I lack conclusive evidence on the point.

423 The legal practice in this matter is still in process of formation and I quote the most recent account of it which I have in my notes without claiming that it is either complete or wholly accurate.

"If a coffee-planter who has moved," I was told, "either keeps the coffee trees clean himself or sends people to do so, then the trees are his; if, however, he does not keep them clean and another man builds on that site and looks after them then they belong to the latter, for he it is who keeps them clean. But if both men concerned (both the planter who has moved and the newcomer on that site) want to have the trees then they belong to the planter, and no one can take them from him.

423 425 "Or, alternatively, if there are a great many coffee trees and their owner has moved (without making arrangements for cleaning) then the Government takes them and looks after them and sells them subsequently to some other man who can afford to buy. And if, maybe, a newcomer on that site has been keeping some of the trees clean, but not all, then the Government leaves some to him and takes the rest.

"And if a planter who has moved wishes later to come back to his old site then great pressure is put upon him to make a payment to the man who has kept the trees clean meanwhile.

"Aswile, for example, had planted coffee in his home in Kissokola's country but then he moved away and went to work (for Europeans); and when he returned from work he built at Kyimbila Mission. Meanwhile Mwankungili had succeeded to his site in Kissokola's country and had been looking after the coffee trees; but no sooner did he begin to pick the coffee than Aswile came and wanted to know who was daring to pick his coffee. Mwankungili explained that he was doing so because he had spent a great deal of time and energy in keeping the trees clean; and the two men disputed each other's claims. So Aswile took the case to Mwangoka's court, and it appeared that there were seventy-five trees in bearing with other younger ones as well, and that Mwankungili had looked after the trees, hoeing round them, for nine months. The court enquired of Aswile whether he had not moved; but he denied having done so and maintained that his absence was only temporary, that he had every intention of returning soon. Mwankungili then pointed out that he had built a house at Kyimbila and actually planted some more coffee there! And that was a proof that he had really moved. So the court sent a messenger to Kyimbila to see, and his report confirmed what Mwankungili had said. The court then asked Aswile whether he had given instructions to any relative to look after his coffee trees; but no, he had not. So he was then told that he must pay Mwankungili for his labour; but this he refused to do. The final judgment was that he must either pay Mwankungili for his labour or else leave the coffee trees to him.

" Aswile thereupon appealed to Mpuguso (the appeal court of the Federation of chiefs); he absolutely refused to pay Mwankungili any money at all, but finally he agreed to give him some of the coffee trees. So he went with Mwankungili and a court messenger—and a crowd of people went with them to see this new custom—and divided up the trees, keeping the bulk for himself but giving some to Mwankungili in repayment for his hoeing. And Mwankungili accepted the division. Now Aswile's younger brother, who lives nearby, is looking after Aswile's trees and Mwankungili is looking after his own." 423 425

The same informant also told me of another case : " A man who had lived in Kissokola's country moved to Mbalisi (in Mbeya District) and died there later. Now while living in Kissokola's country he had planted forty-five coffee trees ; all of which were now (at the time of the case which is being related) very large ; and there were also some smaller trees as well. So then his heir, a brother, came back to the country to find that another man had built on that site meanwhile. But when he raised the question of the coffee, the occupier answered him amicably and said that he would buy it ; and he paid 35/90c. for the trees. And then the heir took up land elsewhere in the same chiefdom. He had not wanted to claim the old site, only the coffee trees."

But still there remain difficulties of practice of which the fundamental one is that of owning *and tending* trees on another man's ground. *Syunguti* trees can be owned on another's homestead without difficulty for they require no attention, but it is hard to draw the line between the ordinary weeding and sweeping of the open space (*ulubingilo*) and bananas and the weeding of coffee trees that grow there. " Am I not to be allowed to sweep under my own bananas ? " one man said indignantly when he returned to an old site of his to find coffee growing upon it. Where the coffee trees are still young the difficulty is sometimes got over—to the great displeasure of the Agricultural Officer—by transplanting them. But with older trees this is impossible.

Pasture, unlike garden land, is jointly owned by the whole village group and no individual has any exclusive rights to any portion of it. The detailed discussion of grazing-rights thus falls outside the scope of this paper, but two points must be noted here. In the first place every member of a village has the right to graze his cattle on the village pastures and this right may also be granted to an outsider by the great-commoner in consultation with his neighbours. And, in the second place, when any member of a village takes up new garden land by hoeing it he must not, in so doing, encroach unduly on the village pastures. 423

423 622 In his tenure of land every Nyakyusa man is related to some chief who is his overlord. But their relationship is not confined to the single element of land-tenure, it is just as many-sided and complex as is any other human relationship; and even as we abstract from it the particular set of facts that immediately concerns us here we must at once refer them again to it if they are to be intelligible.

166 423 622 When a newcomer is received into a village and given land the chief, as we have seen, is normally a party to the villagers' action, and in most cases he himself ceremonially welcomes the newcomer if he comes from outside the chiefdom by sending to him a present of cooked food. He has gained a new subject and his power and prestige are thereby increased. [427] As men are quite free to move from one tiny chiefdom to another and as land is still relatively plentiful the phenomenon of rent does not exist among the pagan Nyakyusa, there is no direct charge ever specifically made in return for the right to build and cultivate. Nevertheless a chief is a chief and his subjects' land is his as well as theirs and they are under certain obligations to him.

622 554 [585] Among these obligations that of providing cooked food for the ceremonies of the chief's own immediate family is probably the most important. When a chief's daughter, for example, is getting married women from all over the chiefdom bring food to entertain the bridegroom and his friends on the day that they bring the bulk of the cattle. The obligation to bring food, though not a legal one, is both reciprocal and conventional. The chief is expected to kill one or two of the beasts to feed his people and if he is mean about this, killing one where he should have killed two, then on the next occasion his people are more reluctant [626] to bring food. But there is also the sense of shame constraining individuals. If the majority of households in a village provide food for a chief on such an occasion, and the majority I think nearly always do so, then the shameful meanness and unconventionality of defaulters is the subject of adverse comment among them.

A chief also has the traditional right, still widely admitted to-day, to send and take food, especially milk and bananas, from his subjects if he has need of it. And we have seen already that men with more than one wife are prompted to retain *busongo* bananas for themselves in order to meet his demands without upsetting the peace of their households. [177] This traditional right however is known not to be admitted by the European Administration, on the grounds that a salary has taken its place, and is therefore beginning to fall into disuse. Chiefs, I was told, often fear to exercise it lest some man refuse obedience and take a complaint to the *Boma*, nor are they willing to confine their demands to those men of whose compliance they are certain. As the salary of an ordinary chief, 622 554 paid out of the Native Treasury from the taxes, rarely exceeds 10/- a month it may be doubted whether modern conditions are not in this, as in other respects, impoverishing the Nyakyusa chiefs.

622 425 178 A chief had the right traditionally to evict any man he pleased if he desired his site for his own personal use, giving him another in exchange. But this right is no longer effective : " It is now at an end," as a chief's kinsman told me, " for the man evicted will go to Tukuyu (the administrative capital of the district) and complain that his chief is turning him out of his home without good cause." It is however still perfectly possible for a chief to take any *unoccupied* site he pleases without reference to the local villagers. He may take it for himself or he may give it to a kinsman, and no objection to such an action on his part is ever raised. It is only if he gives it to an ordinary commoner that his people will criticize him.

622 425 Land once held by the kinsman of a chief at the latter's gift is more secure to him than any land can be which is granted in the ordinary way by a great-commoner ; for no one but the chief himself can ever finally take it from him. If he moves and the villagers wish to give the site to a newcomer then they must either send a message after him and ask his permission to do so or else get explicit permission from the chief, if the newcomer's title is to be in any way secure.

622 425 624 A case within my own knowledge well illustrates these points : Mwakobela, half-brother of chief Mwaipopo, had been given land in the village of Ipoma by Mwaipopo himself. Subsequently he had moved to Kibonde, a minor chiefdom under the jurisdiction of Mwaipopo, and had spent many years there ; and when I first met him he was living there still. But then he fell sick and, suspecting witchcraft, decided to return to Ipoma, only to find his old building-site occupied. For the great-commoner of Ipoma, thinking he had moved for good, had given it to a newcomer.

This grant of land to the newcomer had been irregular in more ways than one : firstly Mwakobela's permission had not been asked, secondly no reference at all had apparently been made to Mwaipopo, who subsequently denied any part in the grant and, thirdly, the great-commoner had not even consulted his fellow villagers ; if he had done so they would, so one of them told me in discussing the case, have reminded him of the necessity of first asking Mwakobela's permission. The newcomer however had been given the site unconditionally and when Mwakobela reclaimed it he refused to move ; but the rights of Mwakobela were unquestionable and he had no difficulty at all in getting him evicted.

I went to visit Mwakobela a few weeks after he had taken possession of the site and he told me about the eviction : " I approached the great-commoner and asked him who had given Mwangasaye (the newcomer)

425 622 624 permission to build on my plot, perhaps, I suggested, it was Mwaipopo (the chief). But no, he told me, it was not Mwaipopo but he himself who had given the permission, and he said, further, that Mwangesisye would have to move, as I wished to come back, and that he would give him another site. But Mwangesisye refused to move and said that the place was his. So the next thing was that, at a funeral . . . . . I asked Mwaipopo who it was that had given my plot to this Mwangesisye who now claimed it as his own and made as if I had never built there, perhaps Mwaipopo himself had given it to him. And all that Mwaipopo replied was no, he had not done so.

"Then I simply brought my sons with bamboos and told them to begin building. Off goes Mwangesisye to Mwaipopo! 'Mwakobela,' he complains, 'is driving me away from my home!' 'Who gave you the plot?' asks Mwaipopo. 'The great-commoner gave it me.' 'And what does he say now?' 'He says I must move.' 'Well then you had better move!'

"And then, next morning, Mwangesisye came to me and said 'My friend I was wrong, the place was always yours, I will move; but the hanging bananas and the coffee trees I shall take with me.' 'Why certainly,' I replied, 'you may cut the banana bunches and transplant your coffee trees, I shall not object.' Thereupon the great-commoner offered him another site with bananas already growing on it, but he refused and said that he intended to return to live in the chiefdom from which he originally came.—And now his sons have carried away his house and there is only left that one hut over there (pointing) which they will take away shortly, and then later they will transplant his coffee trees also."

It was made abundantly clear to me that the important point was the fact that Mwakobela had originally been given the land directly by Mwaipopo, the chief; had he been given it in the ordinary way by the great-commoner with Mwaipopo's concurrence he would have had no claim on it at all. A member of the village of Ipoma explained this to me very lucidly: "If, in the first instance, Mwaipopo had not made the grant, if Mwakobela had approached the great-commoner and said that, as the plot was vacant, he would like to build there and if the great-commoner had agreed to this, then had Mwakobela later moved (as he did) to Kibonde and spent many years there and had the plot meanwhile been given by the great-commoner to Mwangesisye—Mwaipopo all the time being in no way involved—then, if Mwakobela had returned and claimed the plot, the great-commoner would not have admitted his claim. If, in that case, Mwakobela had come to Mwangesisye and tried to evict him Mwangesisye would have complained to the great-commoner, who would then have addressed Mwakobela in some such terms as these:

' You, sir, are a chief ' (Mwakobela is one of the ruling chiefs ' kinsmen, all of whom are entitled ' chiefs,') how then is it that you wish to drive men away ? (For chiefs always desire to attract men to them !) Do you wish the two of us, you and I, to live together alone without any men ? In the first instance you simply came to me and said that you wished to build here and I agreed that you should ; but then you moved and I saw myself that you had built a new house and planted banana trees in another village and I supposed you had moved for good. Nor did you ever tell me that you might be coming back nor ask me to keep your site for you, you only told me that you were moving. So I cannot, as great-commoner, agree to evict Mwangesisye, I will find another site for you. . .'

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" But as it was," my informant continued, " the site had been granted by Mwaipopo himself. Mwaipopo had simply informed the great-commoner that he had given Mwakobela a certain vacant plot in his village. And then the great-commoner was at fault in that he gave the place to Mwangesisye without consulting his neighbours ;[1] had he consulted us about it, and had he sent a message to Mwakobela to ask his permission to give the vacant site to another man, and had Mwakobela given the permission (he could hardly have refused it unless he were himself intending to return shortly), then again Mwakobela would have had no power at all to evict Mwangesisye. The great-commoner would have disallowed his claim, pointing out that he had been informed at the time and had agreed to Mwangesisye's building there. It was owing to the failure to inform Mwakobela at the time that he now has power to evict Mwangesisye."

" And supposing," I enquired, " that Mwakobela had not been the younger brother of Mwaipopo, the ruling chief, but just a commoner, a stranger from another chiefdom, and supposing that none the less he had approached Mwaipopo in the first instance and asked for land, instead of going to the great-commoner, how would that have affected this case ? " —" Well, in the first place, *Mwaipopo would have brought the stranger to the great-commoner* and the two of them, the chief and the great-commoner would have discussed together where to give him land and decide to give him a certain vacant plot." " And then," I asked, " if the stranger had moved to Kibonde and the great-commoner had given the plot to Mwangesisye, without informing him, could he then have returned later and evicted Mwangesisye, or not ? " " No, he could not do so ; had he attempted it the great-commoner would have disallowed the claim, asking

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[1] It is, of course, never correct for a great-commoner to grant land without consulting his fellow villagers, but the point here is that, had he consulted them, they would have reminded him of the necessity of sounding Mwakobela before making this particular grant.

425 him if it was his idea that the village should die out and leave him, the
622 great-commoner, without men ? As he had moved, the great-commoner
would have continued, the place was presumably distasteful to him and
624 it had now been allotted to another man. The claim would certainly
have been disallowed ! "

425 The examples in this paper have been taken almost entirely from
797 pagan families. For Christians the situation is very much the same
except where they live actually on mission land, there they are tenants of
427 the Mission concerned and pay rent to it. And Christians, wherever
they live, tend to be more stable in their occupation of land, since they
are not forever moving in fear of witchcraft.

7. *CONCLUSION*

178 I have striven in this paper to make the individual land-rights
possessed by Nyakyusa to-day intelligible to the European reader and to
423 demonstrate to him their determining factors. Of these factors the
following are the most important. The Nyakyusa were until recently an isolated and primitive people and so bring with them into the modern world a legal tradition based upon small social groups. This tradition is being inevitably modified both in theory and practice under modern conditions, but not out of all recognition ; for they are still a relatively isolated people and the system of indirect rule secures them, in general, against arbitrary legal changes. Within their legal system individuals have, as in any system they must have, certain precisely defined and enforceable rights—among them rights in land.

Many kinds of land, however, are plentiful, though less so than of old owing to the growth of population, the opening of new markets for food and the recent introduction of ploughs. And this cheapness of land is reflected at times in a lack of rigour in the enforcement of rights in it which is unfamiliar to the European observer. Sufficient land for all is a fundamental condition of Nyakyusa society in its present form, which has no place for a landless man.

And, finally, the habitual movement of men with their families from
166 one village to another to escape the witchcraft of their neighbours leads to
680 a constant transfer of homesteads and gardens and is the main cause of
difficulty in the administration of their laws of property in land and trees. This difficulty is greatest in the case of the newly introduced coffee trees which need continuous tending.

6: Wilson

643, 622

Ngonde FN 17
Nyakyusa

[Since the Ngonde and the Nyakyusa peoples have slightly different political systems, for the purpose of this file, the Kyungu of the Ngonde people is marked for 643, and the chiefs of the individual chiefdoms for 622; however, when the text is referring to the Nyakyusa people, the chiefs of the individual chiefdoms are marked for 643, and the village headmen for 622.]

116

116 TEXTS--a full set of pages from each processed source, arranged in page order, as a means of establishing the context for any particular slip. Sets are arranged in the numerical order of the sources. See also:

Literary texts 539

THE RHODES—LIVINGSTONE PAPERS NUMBER THREE

000

THE CONSTITUTION OF NGONDE

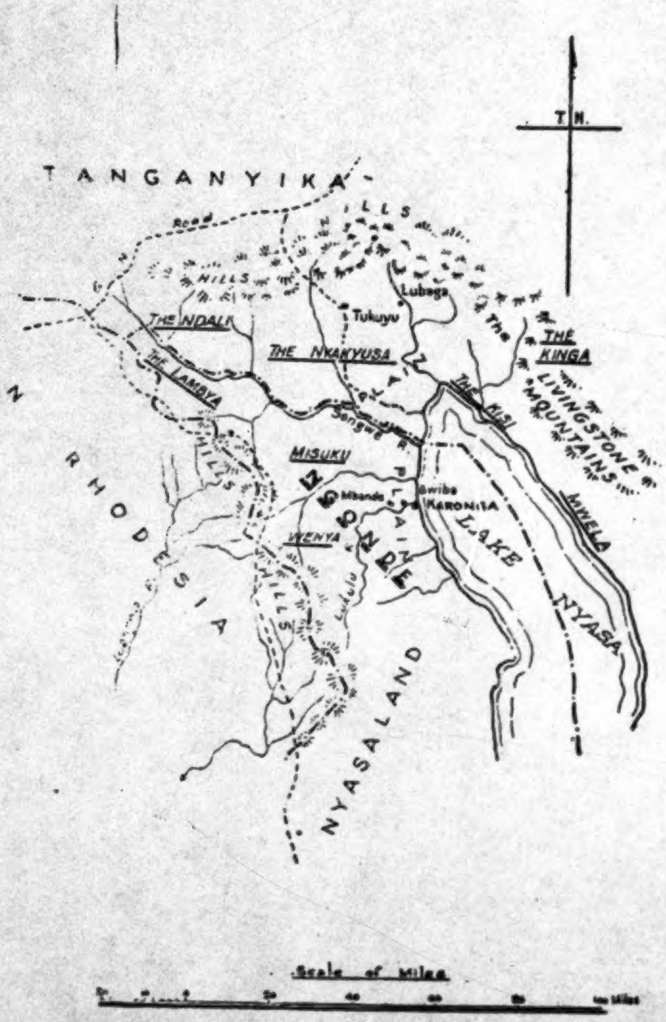
BY

GODFREY WILSON

[p. 1]

Two Shillings

THE RHODES—LIVINGSTONE INSTITUTE, LIVINGSTONE,
NORTHERN RHODESIA
1939


T.N.
TANGANYIKA
Road
HILLS
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THE NDALI
THE LAMBYA
Tukuyu
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The
THE KINGA
THE NYAKYUSA
THE KISI
LIVINGSTONE MOUNTAINS
Songwe R.
MISUKU
Mbande
Iwiba
KARONGA
NGONDE
PLAIN
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MWELA
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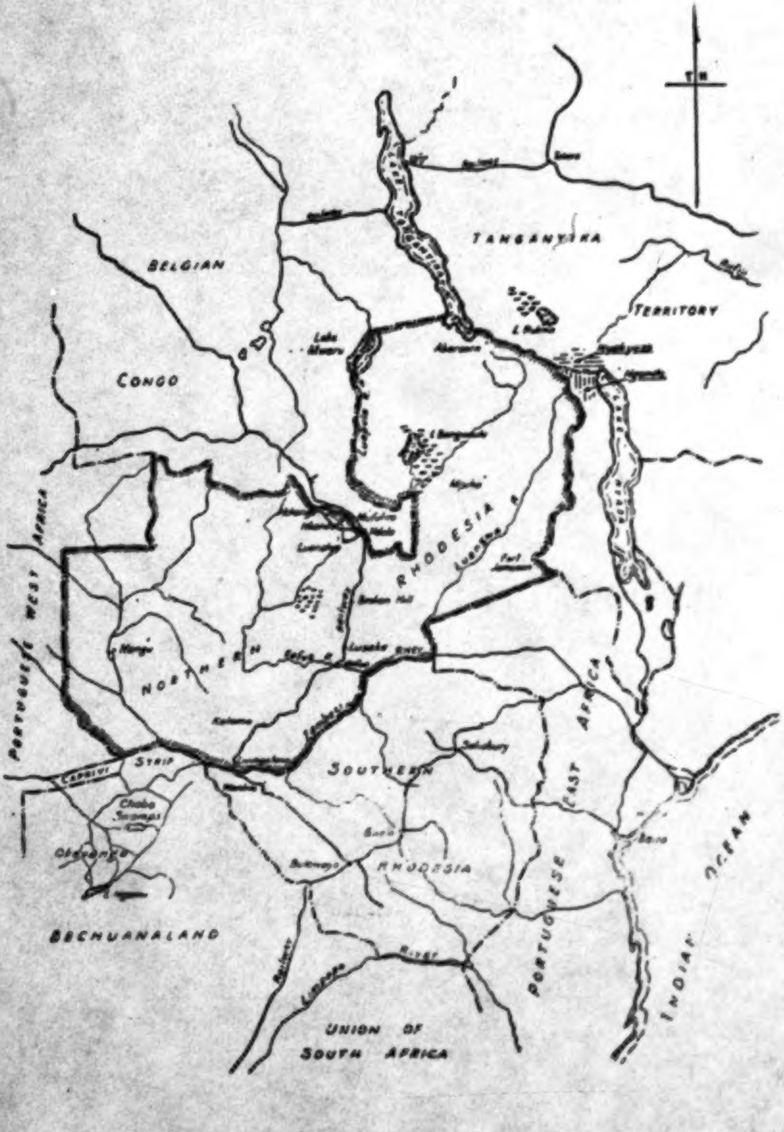
TANGANYIKA
TERRITORY
L. Rukwa
Abercorn
BELGIAN
CONGO
Lake Mweru
L. Bangweulu
Mpika
PORTUGUESE WEST AFRICA
NORTHERN
RHODESIA
Luangwa R.
Fort Jameson
Broken Hill
Lusaka
Kafue R.
Mongu
Kalomo
Zambezi
CAPRIVI STRIP
Chobe Swamps
Okavango
BECHUANALAND
SOUTHERN
RHODESIA
Salisbury
Bulawayo
Beira
PORTUGUESE EAST AFRICA
INDIAN OCEAN
Limpopo River
UNION OF SOUTH AFRICA
Scale of Miles

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INTRODUCTORY NOTE.

500 This, the third Rhodes-Livingstone Paper, is a description of the traditional political constitution of a Bantu tribe in the extreme north of Nyasaland, and of the profound changes which modern conditions have made in that constitution. The most important of the changes are inevitable, given the general conditions of contact between Africans and Europeans in Central Africa; and this brings us to a realization of the inescapable limits within which any policy of Indirect Rule must be carried out. But all the changes are also dependent in detail upon local conditions and upon the decisions of the Government and the present Native rulers.

The general picture presented can be paralleled in many parts of Central Africa. Here is a recently primitive people whose life was lived within very narrow horizons of space, whose religion combined faith in the powers of dead ancestors with magic and witchcraft, who practised subsistence agriculture and pastoralism but had slight external economic contacts also; whose judical institutions were decentralized and among whom civil war was endemic, but who possessed a paramount chief round whom the whole district rallied for tribal ritual and war. Today it is part of a world civilization, half its members are Christians, many grow crops for export or work for Europeans digging gold, while tribal and civil wars have been effectively stopped and judical procedure has been centralized. Through these changes a certain continuity is apparent, in the constitutional sphere, but a very much slighter one than writers on Africa usually assume.

122 Acknowledgments are due the International Institute of African Languages and Cultures and to the Rockefeller Foundation, under whose joint auspices my wife and I collected the material here published, and also to Dr. Max Gluckman, whose critical comments on the first draft of this paper particularly assisted me in bringing out the local autonomy in primitive Ngonde.

GODFREY WILSON,
Director, Rhodes-Livingstone Institute.

Livingstone,
Northern Rhodesia,
September, 1939.

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THE CONSTITUTION OF NGONDE.

1. *A COMPARATIVE PROBLEM.*

Ngonde is a district at the north end of Lake Nyasa; its centre is fixed, its boundaries vague. The centre of Ngonde is the sacred hill Mbande which stands in a bend of the Lukulu River eight miles from the lake. Here is the traditional home of the Kyungus, the paramount chiefs of Ngonde.[1] But its boundaries cannot be so easily defined. A man moving from any direction and almost any distance towards Mbande will say he is going "to Ngonde." One man may start five miles from Mbande and proceed to its base, another may, in the north at least, start far away among the Nyakyusa in Tanganyika and stop fifteen miles short of the Songwe, where alone the Kyungu's supremacy begins to be effective, and yet both alike say they are going "to Ngonde." But in this paper the name Ngonde is used to refer to the area of the Kyungu's present political paramountcy alone, an area defined in the north by the Songwe River, which is also the boundary between Nyasaland and Tanganyika, in the east by Lake Nyasa, in the west by the Nyasaland—Northern Rhodesia boundary and in the south by the borders of Chief Mwafulira's country some twenty-five miles from Mbande; an area of 2,687 square miles. |131|

The population of Ngonde, thus defined, is 40,000, with a density of just under fifteen to the square mile; while the rainfall averages 45" per annum. It is thus very different from the country of the Nyakyusa across the Songwe, where the average rainfall is more than twice and the density of population about six times as great. |161| 132

The people of Ngonde are not homogeneous in language and culture. The dominant group lives on the strip of plain which stretches along the shores of the Lake, north and south from Mbande, and the district is here referred to as "the plain," "the Ngonde plain" or "Ngonde proper." Behind them, in the hills which rise westwards to the borders of Northern Rhodesia, live small groups of Lambya, Sukwa, Wenya, Henga and Mambwe. They, while politically subordinate to the Kyungu, differ considerably from the inhabitants of Ngonde proper in their ways of life and speech. These upland groups we did not visit and, unless the contrary is specifically stated, all references here to the culture or customs of Ngonde should be taken to refer to the plain alone. |101|

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[1] I use the forms Kyungu, Ngonde, Mbande now used by the young men and officially accepted. The old men speak of Chungu, Nkhonde, Mphande.

114 121 642 My wife and I were engaged in researches among the Nyakyusa from September 1934 to January 1938; and our informants constantly told us of the general similarity between their own customs and those of the Ngonde plain. They made it clear, however, that while they and the men of the Ngonde plain shared an otherwise almost identical culture they yet differed markedly in their political systems. The Nyakyusa, when the Europeans reached them, were organized in small independent chiefdoms, the people of Ngonde possessed a paramount chief, the Kyungu. More recently, among the Nyakyusa, a sustained attempt by the Tanganyika Administration to set up two paramount chiefs had failed; in Ngonde, on the other hand, where the Kyungu's supremacy had, until recently, been officially unrecognized by the Nyasaland Administration, his position seemed to be quite secure. The contrast was an interesting one and demanded investigation. Nor was this the only difference between the Nyakyusa political system and that of Ngonde; besides a paramount chief Ngonde possessed a group of hereditary nobles (*amakambala*) which was apparently quite unparalleled among the Nyakyusa.

114 121 642 171 So in July 1937 we crossed the Songwe and spent some time in Ngonde studying these differences. Our visit confirmed the fact that the traditional culture and social system of the Ngonde plain was in almost all respects identical with that of the Nyakyusa. The patrilineal kinship organization with marriage by cattle, the age-villages each with its great-commoner or headman (*ulifumu*), the little chiefdoms each consisting of a group of age-villages united under a hereditary chief (*umalafyale*), all were there.[1] The descriptions we were given of the traditional rituals at death, at girls' puberty, at the birth of twins and at the "coming out" of young chiefs seemed to be identical in general significance and almost identical in detail with the rituals we knew among the Nyakyusa. Language also was similar, though here the similarity had been less close in former times. And yet there were the two great differences: at the apex of the political system of Ngonde was the Kyungu, while a group of hereditary nobles formed an integral part of it. Again and again our informants confirmed this general identity, these specific differences: "Everything is just the same among us as among the Nyakyusa, only in the case of the Kyungu and his nobles (*amakambala*) is there any dissimilarity." How then was this dissimilarity to be accounted for?

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[1] This social system is discussed in the first paper of this series—*The Land Rights of Individuals among the Nyakyusa* (1938), and also in papers contributed to *Bantu Studies*, one in September 1936—"An Introduction to Nyakyusa Society," another in April 1939—"Nyakyusa Burial Conventions."

It is unusual for a sociologist to find such a simple problem[1] for 642
analysis as this and it was not long before the answer was plain. The 177
Nyakyusa, until a few decades before the coming of the Europeans, had been largely isolated from any vigorous external contacts; Ngonde, on the other hand, had been effectively related to the outside world for generations. The Nyakyusa actually possessed in the Lwembes, the hereditary chiefs of Lubaga, a line of spiritual paramounts or high priests, whose religious functions were remarkably similar to those of the Kyungus in Ngonde; but, poor and isolated as they were, they had never developed any secular paramountcy at all. The reasons for the greater elaboration of the traditional political system of Ngonde were to be found above all in the ivory trade and in the constant influx of immigrant groups.

And it further became clear that the prestige which the present Kyungu enjoys in the changed conditions to-day is due in large part to his having followed the mercantile traditions of his predecessors, mastered the business methods of the Scots, made a fortune, and then kept up his position out of his own private means.

2. *THE CHRONICLE OF NGONDE (TO 1875).*

In studying the present constitution of Ngonde and the profound 177
changes now taking place in it, we cannot find any point of time at
which the process of change began. In its present radical form social 178
change in Ngonde arises from the ferment of a host of new social conditions imported by European missionaries, traders and Government officials. But the Arabs also brought change to Ngonde and before the Arabs the Ngoni, while before the coming of the Ngoni there is evidence to suggest that changes had arisen, on more than one occasion, in the normal behaviour of the men of Ngonde which were stimulated, not by any new contacts with the outside world, but simply by accidents of their own internal history. Social change in Ngonde, as far as we can see, has always been going on.

In this section the political history of Ngonde is described in out- 173
line from the its beginnings to the coming of the Europeans in 1875, in so far as it can be recovered from the oral tradition. In later sections a systematic analysis is attempted, first of the constitution of Ngonde just prior to that date, and then of the changes in it which have since taken place.

(a) *THE EARLY KYUNGUS.*

It is generally agreed that the ancestors of the Kyungus, the present 173
hereditary chiefs of Ngonde, came from the Livingstone Mountains in 643

[1] [The dissimilarity between the Ngonde and the Nyakyusa political systems.—Analyst]

the north east; that they passed westwards near Rungwe Mountain and
173 out into "the country of the Bisa," only to turn eastwards again to the
643 Songwe River. Then they journeyed southwards through the hills to the present Kamanga and finally turned back to Mbande.

In the Livingstone Mountains, the country of the Kinga, the first name which the men of Ngonde remember is that of Ngulube;[1] and from him not only the Kyungus but also the chiefs of the Nyakyusa and of the Kinga are said to be descended. While on his tortuous journey from the Livingstone Mountains to Mbande the Kyungu is said to have started out with three brothers and a sister, and to have left them all behind at different places. One brother founded a line of Inamwanga chiefs, another of Iba chiefs, while the third, Mwenembaku, together with their sister, followed the Kyungu to the Lambya near the upper Songwe and stayed there. Mwenembaku had a son Kameme and his sister had a son Nyondo, and still to-day there is rivalry between their two houses for the leadership of this group of Lambya.

On reaching Mbande the Kyungu found it already occupied by Simbobwe.[2] "Simbobwe built on Mbande before the Kyungu; he was a clever hunter. He found that elephants were very plentiful here and so built on Mbande. He was a Fipa by birth and had come from the north." Then the Kyungu drove Simbobwe from Mbande back to the land of the Fipa and captured a great deal of ivory. The usual version of this story is full of miraculous incident, telling, first, how he hid from Simbobwe in a tiny pile of grass and, then, how he took Mbande without a blow by creating elephants, buffaloes and guinea-fowl for Simbobwe and his people to hunt, and climbing the hill when it was deserted. Once on top he beat his drum and the men of Simbobwe heard *it* and fled. Miraculous power and the possession of ivory—

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[1] One of our best informants in history, the late Reuben Mwaniflambo, took the legend further back still: "He came from the country of the Kinga, yes, but originally he came from the north; his body was pale and he came to the land of the Kinga and took it; and men said 'ha! a pig! (ngulube)' because his body was pale. He spoke the language of the *Abalungwana* (Arab or half-Arab traders). Thus they gave him the name Ngulube (or pig) and then married in Kinga country and begot Lwembe."
No one else directly supported this, but Peter, the present Kyungu, told us: "In the sacred groves of the old Kyungus there used to be iron implements of an unusual pattern—knives, razors, and spears. The Kyungu brought them with him from the north when he first came. I have seen them myself . . . . but now the herd boys have stolen them all. And on the hill Mbande I have seen very old pottery." And he also maintained, as we shall see, that the early Kyungus used to trade ivory northwards from Ngonde. And Reuben Mwaniflambo said that the first Kyungu brought cloth with him when he came. Thus, though proof is impossible, there is a suggestion in the legends of Ngonde that the chiefs in this part of the world are direct descendants of early Arab or half-Arab traders from the East African coast.

[2] The similarity of this name to "Zimbabwe" appears to be accidental.

already in the earliest legends are reflected the twin sources of the 173
Kyungus' supremacy, for, as we shall see, they combined divine 643
kingship with wholesale ivory trading.

The Kyungu who took Mbande was not alone, he brought with him into Ngonde five leading men whose names are still borne by their descendants: Katenga, Mulwa, Kyumba, Mboma and Ngosi. Nor did he find the country empty; besides Simbobwe, who was himself a recent immigrant, there were Musyani, Mwenendeka, Mwenekaluma, Mwenekisindile, Mwenifumbo and others; they all had men of their own, and, with the exception of Simbobwe who fled, they all accepted the Kyungu as their overlord. To this day some of their names also survive in Ngonde. The Kyungu, according to the late Mwenifumbo,[1] brought cloth with him and used it to consolidate his position: "Then the Kyungu gave headcloths to us nobles, to Mwenekaluma, Mwenifumbo and the others; and he said to us: 'You are the priests, you the indigenous owners of the land, do you pray for me that I, the chief, may sleep in peace.'"

I make no attempt here to date the arrival of the Kyungu in Ngonde, for to do so would require a careful collation of this tradition with those of neighbouring tribes. The present Kyungu is said to be about the eighteenth of that title in Ngonde, but, as the reigns of many Kyungus were very short and as some early names have probably been forgotten, this fact alone tells us little.

For the period from the coming of the first Kyungu to the birth of 173
Mwangonde (who was about the tenth Kyungu in Ngonde) the legends
are scanty and vague; but the following facts are generally attested by 643
them. The leading men among the Kyungu's followers, together with 565
the rulers of the indigenous population, came to form a class of hereditary nobles (*amakambala*), within which, as we shall see, two groups were *distinguished*, those who lived near Kyungu at Mbande and those who did not. Important immigrants with followers of their own continued to enter Ngonde after the coming of the Kyungu and they also became hereditary nobles, either in the one group or in the other. The Kyungus, though credited with divine powers and enriched by the ivory trade, had but limited powers of secular action; they lived a life of religious seclusion, while the nobles ruled the country. Most of the male children of the Kyungu were killed at birth, and they themselves were killed when they fell sick, lest their sickness should spread magically among their people.

These early Kyungus lived with their wives on the top of the hill Mbande, inside a great enclosure. Near them, some on Mbande, some not, lived a group of nobles. This group, which is specifically referred

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[1] [illegible] Mwenifumbo. He has died since we left Ngonde.

173 to as "the nobles of Ngonde" (*Avangonde*) included, firstly, the successors of those five leading men whom the first Kyungu brought with
643 him[1], secondly the successors of two of the indigenous rulers whom the
565 Kyungu had found in the country and who happened to live near Mbande[2] and, thirdly, seven others who joined the group later.[3] These fourteen nobles lived at Mbande, each with a group of followers and exercised the central power at the Kyungu's command, or at least in his name. The names of all fourteen are still borne as hereditary titles by their successors in Ngonde to-day and, with two exceptions,[4] all their successors still rank as nobles of Ngonde.

Besides the nobles of Ngonde near Mbande there were the other nobles "who lived at a distance," some in the plain, some in the hills. In the language of Ngonde they are simply referred to by the general term "nobles" (*amahambala*) but, in order to distinguish them from the nobles of Ngonde, I shall here call them "territorial nobles."

They consisted, firstly, of those indigenous rulers whom the first Kyungu found in Ngonde but who did not happen to live near Mbande, and, secondly, of important immigrants who constantly arrived in Ngonde with followers of their own and were given land. Some of these immigrants came from the east across the lake, others from the west, from what is now Northern Rhodesia. The present Kyungu gave us a list of thirty-seven families of territorial nobles, of whom only five or six were found in Ngonde by the first Kyungu, the remainder having entered afterwards. How many of these thirty odd immigrants came during the period of the early Kyungus and how many later we do not know.

In the middle period of Ngonde's history, as we shall see, two tendencies are manifest: the Kyungus begin to emerge from their religious seclusion and slightly to increase their secular power at the expense of the nobles of Ngonde, while the "sons of the Kyungu" increase in numbers, set up hereditary chiefdoms under him and gradually oust the territorial nobles from the Ngonde plain. But in this early period the nobles were the only effective rulers. At Mbande the nobles of Ngonde

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[1] Katenga, Mulwa, Kyumba, Mboma and Ngosi.

[2] Musyani and Mwenendeka.

[3] Mwambila and Kyabinga were both of the same line as Musyani but attained prominence later as heads of junior branches of it and both became nobles of Ngonde. And two others from the line of Mwenendeka—Kyiju and Mwenekisumba—did the same. Besides these, three of the later immigrants became nobles of Ngonde. There was Mwenemitumba who, says legend, "was a good drum player and so was sent for by the Kyungu to come and live at Mbande;" there was Mwenekilibombwe, who came from Mbala (Abercorn), and there was Kipaka, whose histories we do not know.

[4] The two exceptions are Kyumba and Kipaka. Once one of the Kyumbas seduced a wife of the Kyungu and had to flee for his life across the Songwe; while Kipaka's descendants have become just ordinary commoners for some reason unknown to us.

mediated between the divine Kyungus and the outer world, while both 173
in the hills and in the plain the territorial nobles governed each his own
people without royal rivals—for most of the sons of the Kyungus were 643
killed at birth. 565

The exact conditions which led to this state of affairs are beyond our knowledge; there is no detailed evidence to explain just how the descendants of a wandering adventurer who succeeded to the camp and the ivory of "a great elephant hunter" should have become divine kings jealously controlled by their subordinates. All we can do is to set down in all its vagueness and uncertainty, such information as the tradition offers us.

The three crucial facts were, firstly the wealth of the Kyungus, which gave the other rulers a secular interest in them, secondly the constant immigration of important men, which kept up the numbers of these other rulers, and, thirdly, the killing of most of the sons of the Kyungus at birth; a custom whereby the territorial nobles were rid of possible rivals and the nobles of Ngonde were rid of possible supporters of the Kyungus against themselves. Reuben Mwenifumbo told us: "They feared that, if the Kyungu had many sons, they might seduce his wives and so bring sickness on him himself and on the country.[1] And they also feared that, if many of the Kyungu's sons grew up, they might destroy the nobles, they might ask, when the Kyungu died, how it was that he had died so suddenly!—I refer to his being killed when he fell sick or cut himself.—If there were only a few sons they could not protest (being only few), but if there had been many then all the nobles might have had their throats cut. So they kept two sons only alive. This was told me by the old Mulwa,[2] the father of the present Mulwa. He knew a great deal about the things of old. I asked him one day why the sons of Kyungu had been killed and he answered what I have just told you." Two reasons are given here: first the magical danger to the Kyungu (and through him to his people) of infidelity on the part of his wives, for his sons would naturally have more access to the sacred enclosure than other men; and second the danger that his sons might prevent his being killed when sick. The danger that they would supplant the territorial nobles is not mentioned, but it is hard to believe that the nobles were not conscious of it.

The nobles, both territorial and of Ngonde, still speak of themselves 643
to-day as a single group with common interests opposed, to some extent,
to those of the Kyungu and the chiefs; and, when we compare Ngonde 565
with the Nyakyusa, it seems probable that there was some causal
connection between the wealth of the Kyungus and the constant increase

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[1] *Vide infra* Section 3 (b).

[2] Mulwa is the premier noble of Ngonde.

643 565 in the nobles' numbers by immigration, on the one hand, and the close hold maintained by the nobles of Ngonde over the family life of the early Kyungus, on the other. The Lwembe of Lubaga was, like the Kyungu an immigrant into his district and he also had a group of hereditary priests living with him who, both in their origins and their religious functions exactly corresponded to the nobles of Ngonde; and they used to kill the Lwembe when he fell sick. But they neither developed many secular functions themselves nor ever prevented the royal family of the Lwembe from increasing. The sons of the Lwembe founded hereditary chiefdoms from the first. There had been indigenous rulers among the Nyakyusa prior to the coming of the Lwembe, but they were soon displaced by his sons and did not maintain themselves within the constitution. But then the Lwembe was poor, and among the Nyakyusa there was not the constant immigration of important men unrelated to the Lwembe[3] as there was into Ngonde of important men unrelated to the Kyungu. The comparison thus suggests very strongly a causal connection between these facts; but the exact mechanism of the causation is obscure.

173 643 565 The reasons for the killing of the Kyungu himself will be fully discussed in section three. But it must be mentioned here that the history of Ngonde is full of refusals on the part of prospective heirs to accept the position of Kyungu, and that one of the reasons for refusal was the short life that a Kyungu so often had. In order to refuse it was usually necessary to flee, for an heir once forcibly seized by the nobles of Ngonde and set on the stool of the Kyungus could not abdicate; if he did it was believed he would die. And thus was founded the house of Katamba (or Mwenitete) in the plain north of Songwe River. One of the early Kyungus died and "two of his sons, Katamba and a younger brother, fled across the Songwe to Itete, to their grandfather; for the name Mwenitete is in origin a noble not a royal name, the Kyungu had married the daughter of the noble Mwenitete. They fled because they feared to die on Mbande!"

In Itete the house of Katamba became hereditary chiefs and began to spread their power through all the surrounding plain. But later the Nyakyusa came down from the hills and drove them back across Songwe. The boundaries of Ngonde[4] in this early period, were thus wider than they are to-day. The plain north of the Songwe (which the

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[3] There was another immigration into the district of the Nyakyusa, but it was led, so says tradition, by a close kinsman of the Lwembe, whose sons, like the Lwembe's own, became hereditary chiefs. (The Kukwe are ignored in this footnote.)

[4] Using "Ngonde" always in the sense of the area of the Kyungu's supremacy.

Nyakyusa chiefs afterwards conquered, but which is still known as 173
"Mu-Ngonde") was certainly included in it. And the men of Ngonde 565
also claim that Mwaremba of the Ndali hills, and Mujombe and others in 643
the present Northern Rhodesia were nobles of the Kyungu and sent him
tribute.

How much secular power the Kyungus and nobles of Ngonde then had we cannot know; but, as in the later period it can be proved to have been more effective in the plain near Mbande than in the hills, it is not unreasonable to suppose that so it was in the early period also.

Trade with the outer world there was, so legend says, from the 173
first, and this trade went north. The present Kyungu told us: "The 439
Kyungus used to send ivory to the coast, they sent men over the hills
of the Ndali; the ivory that they took from Simbobwe went that way. And the men used to come back with cloths and iron goods and white crockery. This I heard from Mwakalengula who died as a very, very old man in the year 1900 or perhaps it was 1901."

In later times the central power of the Kyungu and the nobles of 173
Ngonde can be proved to have rested on the twin bases of religious 565
faith and the control of great wealth; as these two conditions seem both 643
to have been present in the early period we can assert with some confidence that then also they were the real bases of the central power.

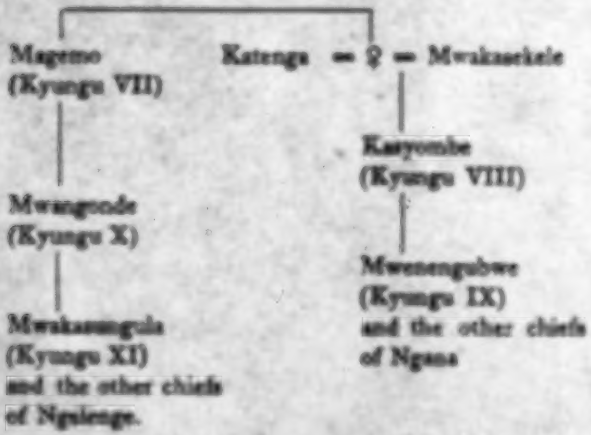
(b) *A TURNING POINT.*

"Kyungu Magemo had a sister who was married to Katenga, one 173
of the nobles of Ngonde. And one day when the other nobles of Ngonde 643
went to Ngana (a district of Ngonde) to fish—for fish were plentiful in Ngana—this woman followed them, and there she married Mwakasekele a man of Ngana. So the nobles returned and told Magemo that his sister had been taken to wife in Ngana, and all he said was, 'very well.' Later she bore a son to Mwakasekele and Kyungu Magemo named him Kasyombe."

Now Magemo himself when he died left only one son, Mwangonde, and he had only survived by an accident. Mwangonde's mother came from Butambo (in the present Northern Rhodesia) and was a distant relative of Mulwa, another noble of Ngonde. Her delivery was unexpected and took place in the house of one of Mulwa's near kinsmen So Mulwa hid her and the child, and then sent her away to Butambo. The other nobles of Ngonde accused him of having done so and were angry, for they wished to kill the child if it were a boy. Mulwa denied his action, but afterwards they heard that the child was a boy and alive. Now but for Mulwa the direct line of the Kyungus would have died out,

173 for apparently those sons of Magemo who had been kept alive died[3] before him, and Mwangonde was his only surviving son. But even so
643 Mwangonde was far too young to inherit when Magemo died, he was only an infant; and so the nobles of Ngonde took Kasyombe both to inherit Magemo's wives and to be the Kyungu.

The Early Kyungu



This was a turning point in Ngonde's history: Kasyombe's descendants are the "chiefs of Ngana," or "the cousins" (*Avatani*), Mwangonde's descendants are the "chiefs of Ngulenge,"[4] the direct line; and Ngonde's history from this time on is full of their rivalry. Not only did two royal houses result from this event but other momentous political changes as well. For Kasyombe when he succeeded had an adult son, Mwafongo, who had been brought up in Ngana and was not afraid of the nobles at Mbande.[5] "When they took Kasyombe to be the

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[3] It is also said that Magemo "went mad and killed his own children."

[4] "These are territorial and not family (or clan) names. Kasyombe and his descendants are called chiefs of Ngana because his mother's husband, the commoner Mwakasekele, lived in Ngana. And so too Mwangonde, when he returned from the hills, settled in Ngulenge and begat children there before he was taken to be Kyungu. And so his sons are called chiefs of Ngulenge."

[5] The point is this: the two sons of the Kyungu who had been *normally* allowed to survive, in the early period, were brought up at Mbande to respect and fear the nobles of Ngonde as their "fathers" and do not seem to have many personal followers of their own. Moreover if both survived their own father, the Kyungu, then both would be prospective successors and each would be far too much concerned with his own destiny to worry about anything else (cf. the story of Kasanda on page 14). But Mwafongo was an outsider and so had a far greater freedom of action; and he seems to have had followers of his own.

Kyungu his son. Mwafongo approached the nobles and said that if they killed either his father or any of his brothers then he would kill them all. And thus it was that the chiefs of Ngana increased so greatly. But as for killing the Kyungu, the nobles did so in spite of Mwafongo's threats! And when Mwangonde succeeded, the chiefs of Ngana came again to the nobles and forbade them to kill his sons; so thus the chiefs of Ngelenge increased also. And yet, seeing that there were only a few sons of Mwangonde and many daughters we think that, after all, some of his sons were put away! When one of Mwangonde's wives whose father was an important man bore a son, then they would let him live, fearing lest the chiefs of Ngana be told; but if her father was a man of no great weight then they would kill her son."

On the wives of Magemo Kasyombe begot Mwenengubwe, Kalambo, Kilupula, Mwabulambo and other sons too; while Mwangonde, when he grew up begot Kalonga, Mpeta, Mwansele, Mboma and so on.. The killing of the sons of Kyungu was, if not quite abandoned, at least limited; and from that time onwards the power of the nobles began to lessen.

There seems no reason to doubt the accuracy of this story, which is universally current in Ngonde to-day; and if we can accept it we have here one of those historical events in which chance circumstances have radically altered the customary behaviour of a group of people. Had Mwangonde not been saved by Mulwa the line of Ngana would have succeeded alone and finally[3] to the Kyungship, had Mwangonde been older when Magemo died it would not have succeeded at all; and in neither case would two royal houses have been set up. Had Kasyombe not happened to have a determined and forceful son, the killing of the sons of Kyungu would not then have been stopped. But, as it was, the existence of the two lines of chiefs, together with the continual increase of both led to a transformation of Ngonde's constitution.

And there is another minor change which tradition traces to this same event. In the times of the early Kyungus, we are told, Katenga was the premier noble of Ngonde; but after his wife left him for Mwakasekele, without protest from his royal brother-in-law, he retired for a time from public life and Mulwa, who soon afterwards gained fame as the saviour of the Ngelenge line, took his place. And Mulwa is still the premier noble of Ngonde to-day.

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[3] But what of the line of the Katumbas? There is here an old constitutional principle involved which we did not sufficiently study. It appears that once a son of the Kyungu had fled from succession his descendants could never succeed again. (cf. The case of Kalonga pp. 27-8). But this principle no longer operates to-day, for both the present Kyungu and his predecessor were sons of [illegible], who himself fled from the succession (cf. p. 67).

173 643 (c) *THE MIDDLE KYUNGUS: CONSTITUTIONAL CHANGE.*

When Kasyombe died Mwenengubwe succeeded, for Mwangonde, though now grown up, was still living in Butambo. Mwenengubwe was the eldest of those sons whom Kasyombe had begotten on the wives of Magemo, and he began that process of gradual emergence from religious seclusion which the present Kyungu has completed. The early Kyungus had all lived on the top of Mbande, cut off from the outside world not only by their enclosure but also by the steep sides of the hill; Mwenengubwe and his successors lived in the plain at its foot, by the Lukulu River. This change appears to have been connected with the unsuccessful effort of the chiefs of Ngana to control the killing of the Kyungus. Three of the present nobles of Ngonde took me up Mbande and explained on the way: "At first all the Kyungus were installed on the summit of the hill, but Mwenengubwe came down to the valley; Kasyombe was the last to live on the summit. The Kyungus came down to the valley because they were afraid to live on the hill, they thought that no Kyungu ever lived long on Mbande, always they died quite soon. And so, after Mwenengubwe had come down from the hill, they installed his successors in the valley, in the house of the Kyungu." But still they lived at Mbande in the midst of the nobles of Ngonde, and still their houses were surrounded with an enclosure that only the nobles of Ngonde might freely enter.

On the death of Mwenengubwe, Mwangonde succeeded.[1] From now onwards the traditions of Ngonde are full of warfare, civil and tribal; but more important than the wars themselves are the accompanying constitutional and commercial changes of which we get occasional glimpses.

173 643 439 About this time the direction of the trade in ivory changed. The present Kyungu told us: "Later, after the first Kyungus, Mwangonde and his successors used to exchahge the ivory with Marabi who came from across the lake; the men of Mwela rowed them across. These traders brought cloths, red and white and dark cloths. But when the first Kyungu arrived in Ngonde there was no trade-route across the lake at all." And one of the Kyungus about this time is said to have "struck the lake and walked over to Mwela to marry a woman, Mapunda." And the present Kyungu told us that, besides the trade with these Marabi, there had also been trade with the men of Mwela

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[1] "When Kasyombe died Mwenengubwe inherited the position of Kyungu. Mwangonde refused it and continued living with his mother's family in Butambo. But the nobles discussed together and decided it was not fitting that Mwangonde should live in another country and they went to invite him back. He agreed to come; at first he only paid a short visit to Ngonde and went back again, but the second time he came and stayed. So when Mwenengubwe died they set Mwangonde on Mbande."

themselves, and with the Kisi. With the people of Mwela they 173
exchanged canoes for hoes. And from the Kisi also they got hoes, which 643
the Kisi in their turn had got in exchange from the Kinga. 439

Then, during the reigns of Mwangonde and his successors "the 173
sons of the Kyungu" began more and more to displace the territorial
nobles as rulers of the various districts of the Ngonde plain. They 643
became hereditary chiefs (*avanyafyale*), each of whom was succeeded by 565
two or more sons, who divided his country and tried to extend it. And 622
thus the number of ruling chiefs now began to increase at a great rate. Each of the territorial nobles, on the other hand, was only succeeded by a single heir. Houses of chiefs were set up and a new hierarchy appeared, for the senior chief in each house ranked as the "father" of his juniors. The name of the founder of each house was preserved as a hereditary title borne by each head of that house in turn. Thus to-day we find in the Ngonde plain the house of the Katambas, (or Mwenitetes),[1] the house of the Kalongas, the house of the Mwakasungulas and so on, and, among the chiefs of Ngana, the house of the Mwafongos, the house of the Mwenengubwes, the house of the Kalombos, the house of the Kilupulas and so on. The heads of these houses were the great chiefs of Ngonde, subordinate to the Kyungu and each with a number of junior chiefs traditionally subordinate to him. Most of these great titles can be traced back to some important son either of Mwangonde or of Kasyombe; but in some cases junior branches also have acquired sufficient importance to be distinguished by hereditary titles which are borne by their heads[2]. Whenever the bearer of one of these great titles became the Kyungu, his old title was at once taken by a successor in his house.

The chiefs supplanted the territorial nobles and took their subjects for their own in this way: "A great many territorial nobles have lost their power, for the Kyungus were in the habit of sending their sons to build with them in their countries. A Kyungu would send one of his sons (i.e. a chief) to a certain noble saying 'I send this your son to build with you, his father'—for the nobles were called 'father' by the sons of the Kyungu—, so the noble would welcome him. But in after years the people would give their affection to the son of the Kyungu and the noble would lose his power. And yet, even so, in the old days the two of them, chief and noble, would remain on friendly terms." .... "Some of the nobles lost their power through the cunning of the chiefs. For example the noble Mwenifumbo used to have a country of his own,

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[1] This house, as we have seen, dates from the early period.

[2] The first Malema, for instance, was a son of Mwakasungula, the first Kajuni of Mwenengubwe. [text continues on p. 21]

but then he was given a young chief, Mwakijule, to look after as a child. 173
The father of Mwakijule (who was not the Kyungu) asked Mwenifumbo 643
to bring him up; but then when he grew up he became the ruler of the 565
country!" And others lost their power to young chiefs who had
married their daughters and then come to live near them. 622

Now all informants agree on three points: Firstly that it was the prestige of the royal blood which was responsible for this loss of power, secondly that the process was a gradual one and thirdly that the chiefs and the dispossessed nobles generally continued to live together on amicable terms. "The people gave their affection to the son of the Kyungu," but not all at once; some men at first would continue to regard themselves as the noble's men while others looked more to the chief. The noble acquiesced in this process and became in the end but the most important and respected commoner of the new chiefdom. For the chiefs apparently always treated such nobles with the greatest consideration, continued to call them "father" and to defer to their advice. The nobles retained all their religious functions and their right to participate in the selection of Kyungus and great chiefs, while their own titles continued to be handed on with due ceremony to their successors. All that they lost was leadership in war, the power of requisitioning food, together with the main responsibility for feasting the common people, and the formal position of chief justice. But in actual fact a noble's opinion on a law case was probably seldom disputed by the chief who had asked for it.

We have already suggested that during this middle period the 173
balance of secular power between the nobles of Ngonde and the divine
Kyungu himself began to change, and we have noted his descent from 643
Mbande and the stopping of the killing of his sons as undoubted examples 565
of this. But the nobles of Ngonde still had the real power at Mbande: "they alone conversed with the Kyungu; no one else saw him except when they went in to make obeisance. All orders came from them. Even with the *masano*, the wives of the Kyungu, it was the nobles of Ngonde who put each one into the house of the Kyungu for a week at a time and then took her out and put in another. No one else built their houses near the Kyungu except these nobles (and their own immediate followers.)"

Such incidents as the going to war of Kyungu Mwakasungula, and the abandonment of the custom of building an enclosure (*ulupaso*) in the reign of Mwambelo[3] seem significant in the light of modern developments; but we cannot be sure that any very radical constitutional change would

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[3] Vide infra pp. 33-5.

173 necessarily have followed from them, had modern conditions been
643 565 different. The evidence is inconclusive.

Now not all territorial nobles in the Ngonde plain have been
565 supplanted by "the sons of the Kyungus" even to-day; while in the
642 hills inland they have mostly retained their power. And so in
622 discussing the political system of Ngonde under the middle Kyungus,
it is necessary to distinguish carefully between four different kinds of political unit: (1) the chiefdoms in the plain, each ruled by a hereditary chief related to the Kyungu; (2) the fiefs (if I may adapt this word from a feudal to a primitive context) in the plain, ruled by hereditary nobles unrelated to the Kyungu; (3) the fiefs in the hills inland, also ruled by hereditary nobles, but differing in many ways from the fiefs in the plain, and (4) the chiefdoms of the houses of Nyondo and Kameme in the hills.

642 This paper is mainly concerned with chiefdoms and fiefs of the
622 plain. There each of the chiefdoms consisted, as among the Nyakyusa,
of a group of age-villages, older and younger men living apart with their own contemporaries. At the head of each village was a headman, or great-commoner (*ulifumu*) chosen for life from among the villagers by the chief and the great-commoners (*amafumu*) of the senior villages of the chiefdom. Except in the case of very small chiefdoms each chief was succeeded by two or more sons who divided the villages among them. The transference of power from the old chief to his sons normally began in his lifetime at the "coming out" (*ukusoka*) when they were formally shown to the country as chiefs and magically treated. The constitution of every chiefdom was that of limited monarchy, for the chief was dependent upon his great-commoners, who advised and, in many ways, controlled him. In the status of chief and great-commoners religious elements played an important part.

642 But, whereas among the Nyakyusa each chiefdom, save the very
small ones, was, in secular matters, quite independent of its neighbours
622 and each chief was a sovereign, in Ngonde, on the other hand, the wealth
643 of the Kyungu and the nobles of Ngonde made them the apex of a
565 political hierarchy. And thus, while among the Nyakyusa the senior of
two brother chiefs could only command his junior in religious matters, when they sacrificed to their common father's spirit, in Ngonde he could occasionally command him in other ways also, he could, for example, summon him to war or to hoe,[1] and he had a certain slight judicial authority.[2] Of two brother chiefs the junior was subordinate to the senior; in each of the great houses all other chiefs were subordinate to the head of the house, the great chief with a hereditary title;

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[1] Vide infra sections 4 and 6.

[2] Vide infra section 3.

[text continues on p. 24]

642 622 643 565 the great chiefs themselves were subordinate to Kyungu. But every ruling chief right up the scale, except the Kyungu himself, had also his own great-commoners and people directly subordinate to him. Moreover the subordination of some chiefs to others and of all to Mbande was a very different thing from the subordination of authorities in a civilized state. It was still above all a religious and ceremonial subordination, but in matters of secular justice and administration there was a very large measure of local autonomy.

Within the chiefdom the organization of families and villages was more or less[1] the same as that described in the first paper of this series, and need not be further described here.

642 643 565 Among the fiefs of the plain there was another hierarchy, depending not upon seniority of birth but upon priority of arrival in Ngonde. For each important immigrant who entered the country with followers of his own went first to an already established territorial noble, not straight to Mbande; and it was the already established noble, who then acted as his sponsor, took him to Mbande and told the nobles of Ngonde and the Kyungu of his request for land. The normal procedure then was for the nobles of Ngonde to be sent by the Kyungu to arrange with his sponsor where to settle him. And thereafter he ranked, at least for ceremonial purposes, as his sponsor's junior. Thus the territorial noble Kasyombe was junior to his sponsor Mwenekibuta, and so on. But no ruling noble was subordinate to any chief save the Kyungu. The nobles, both territorial and of Ngonde, describe themselves as "the great-commoners (*amafumu*) of the Kyungu," likening the relationship of the fiefs and the Kyungu to that of the villages of a single chiefdom and their chief.

642 565 The organization of each single fief seems to have resembled in many ways that of a small chiefdom, each was divided into at least two age-villages, so that old men and their sons should live separately; for it was taboo in all the Ngonde plain, as among the Nyakyusa, for father and daughter-in-law ever to meet. Kinship, however, was more emphasized as a reason for living together than in the chiefdoms, and we are told that the inhabitants of the fiefs were usually related, either as kinsmen or affines, to the territorial noble concerned; while the age-villages of a fief had no great-commoners at their head. Otherwise the customs which obtained in the plain, both in the fiefs and the chiefdoms, were, on the whole, homogeneous.

Each of the nobles of Ngonde had a few subject commoners of his own living at Mbande with him, divided up into two age-villages; as

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[1] The climatic differences determines certain differences in the system of land-tenure of Ngonde and of the Nyakyusa, but of these we have made no study.

that the organization of Mbande may be described either as a group of 642
small fiefs clustered together or as the capital chiefdom of the Kyungu, 565
in which the nobles of Ngonde acted as the great commoners, each in two small age-villages.

Besides the nobles of Ngonde and their own followers there lived 624
at Mbande men called *wakakata*, who acted as the personal messengers 202
and police of the Kyungu. They were not hereditary officials but chosen for their speed by the nobles of Ngonde, who also gave them their orders. Anyone might become a messenger, the son of a chief, or of a commoner, or even a slave.

Of the customs of the hill fiefs and of the chiefdom, of the houses 642
of Nyondo and Kameme we know very little; but it is certain that in 565
many of them different dialects were spoken from that of the plain and that their inhabitants called themselves (as they still do to-day) Sukwa, Wenya, Lambya, and so on, rather than "men of Ngonde." And these upland groups were much more loosely attached[1] to the central power at Mbande than were the people of the plain.

There is some evidence to show that, even in the early period, the the nobles of Ngonde did not always take the most immediate heir of a dead Kyungu to succeed him; during the middle period it is certain that they did not. The Kyungu had to be taken from the royal family but, within limits, the most suitable man might be chosen. And with the increase in the numbers of the chiefs the area of selection grew constantly wider. The constitutional methods of selection will be discussed in section five.

(d) *THE MIDDLE KYUNGUS: CIVIL WARS.*

We must now turn to the rivalry between the chiefs of Ngelenge 173
and Ngana. "Mwangonde begat Kalonga, Mpeta,[2] and Mwansele. And they, when they grew up, quarrelled with the sons of Kasyombe: '*Let them move further off, they are only* commoners, we object to their proximity!' So they made war on them and drove them fleeing out of Ngana with only a few men. Before this war began their father Mwangonde had forbidden them to fight and commanded them to be friends." We notice here a point, which will be discussed later in section five, that the Kyungus, though not themselves involved in the civil wars, yet had little or no power to keep the peace.

"Then the sons of Kasyombe went to the Ndali to make allies of them and they returned together and fought the sons of Mwangonde in Ngelenge. And in that war both Kalongo and Mwansele were killed, only Mpeta (that is Mwakasungula) was left. He went to tell the Kyungu, his father, that two of his sons were dead and his father said: 'Even so, did I not forbid you to fight?' And the Kyungu called together Mpeta and the chiefs of Ngana and blessed them and made peace between them at Mbande. He gave the chiefs of Ngana the lands of Ngelenge and Mpata. . . . . His son Mpeta he sent to Kisaku." The second civil war thus ended in a decisive defeat for the chiefs of Ngelenge; and the peace-making of Kyungu Mwangonde was but an acquiescence in that defeat. Mpeta was sent into exile, for Kisaku is a little district at the north-east corner of the lake, beyond the plain which the Nyakyusa had now taken. Ngelenge has been held by the chiefs of Ngana ever since, aud Kilupula has it still. And Mpata, which is close to Mbande on the North, is still theirs also.

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[1] cf. Section 5.

[2] Mpeta (vide infra) later took the name of Mwakasungula.

While in exile Mpeta led the men of Kisaku to war against a Nyakyusa chief from the hills, named Mwakasungula; he killed him and took his name; and thereafter he is always referred to in tradition by it.

The return of Mwakasungula from exile was caused by a drought, combined with the faith which the men of Ngonde had in the rainmaking powers of their royal family. They went to Kyungu Mwangonde and asked what they had done to deserve a drought. He denied the implication that he had caused it himself but suggested, none the less, that the exile of his son Mwakasungula might have something to do with it; perhaps it was Mwakasungula who was angry. "So they went to Mwakasungula, the chiefs of Ngana and everyone, and told him that in Ngonde they were dying of drought—he replied that he would follow them. And so he did, he passed through Ngelenge and came as far as Kyimbwe and the people heard that he had come. And that very day the rain came, heavy rain, and the Lukulu, which had dried up, filled up again—while Mwakasungula was still on the way, before he had even arrived at Mbande. And all men, when they saw this miracle, were astonished and urged the chiefs of Ngana to respect Mwakasungula, for they had all but perished. And Mwangonde summoned Mwakasungula and his cousins (the chiefs of Ngana) and commanded them to live together in friendship and never to fight again. And he gave Mwakasungula land on the coast by the lake." And this land the house of Mwakasungula still holds.

And then, after the return of Mwakasungula from exile, there was a great campaign fought against the Bemba in the country of Mujombe in the hills. The Bemba *chief* Kyepela had invaded that country, and Mujombe, so say the traditions of Ngonde, sent to the Kyungu for help. Mwakasungula led the forces of Ngonde and was the hero of the war; he defeated the Bemba and killed Kyepele, returning to Ngonde with a host of Bemba captives who were there enslaved.[1] 173

MIDDLE AND MODERN KYUNGUS.

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Line of Ngelenge.	*Line of Ngama.*
Magemo.	
	Kasyombe.
	Mwenengubwe.
Mwangonde.	
Mwakasungula.	
Mwambelo.	
	Gwa Sapasi.
	Mwafongo.
(The Europeans arrive 1875).	
	Mwabulambo (deposed 1894).
Mwakabanga (1894-1904).	
Mwangalaba (1904-1932).	
Peter (the reigning Kyungu).	

When Mwangonde died Mwakasungula was taken as the Kyungu, but not until Kalonga had refused the position for himself. The first holder of the name "Kalonga," as we have seen, had been killed in civil war. But after his death one of his younger half-brothers, Mboma (or Kanyigi), inherited his name and his wives. Now, as the first Kalonga had been the senior son of Mwangonde, so Mboma, by inheriting from him, became the senior in his turn. Though much younger than Mwakasungula he ranked above him. But when the nobles of Ngonde tried to install him as the Kyungu "he himself refused the position, he smeared ash on his body and refused, he foreswore the position saying 'I do not desire the name of Kyungu; my brother Mwakasungula here was our father's companion for many years and all the medicines of chieftainship are in his possession; how is it that you take me instead 173

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[1] *Bemba tradition.* The present Bemba chief Mwamba told me that this campaign took place in the reign of the Chitimukulu Cepela. Cepela did not himself go to fight but his brother, Mwamba, did and was defeated by the men of Ngonde. He died of his wounds on his way home.
It thus appears that the country of Mukemba was then just on the boundary between the Bemba sphere of influence and that of Ngonde.

173 of him? And it is he that has done the fighting not I!' And so they caught Mwakasungula to be the Kyungu." Thereafter, though the house of Kalonga has always been recognized as a senior branch of the royal family, no member of it has ever been made Kyungu.

After the succession of Mwakasungula there was a third and final war between the rival lines: "When the sons of Mwakasungula grew up they remembered that the chiefs of Ngana had killed their fathers and wished for revenge. So they fought and killed two of them. And then the chiefs of Ngelange were satisfied and declared the quarrel at an end; for as the chiefs of Ngana had killed their fathers so now they in their turn had killed some chiefs of Ngana, the old score was paid." Whether the chiefs of Ngana would have acquiesced in this "settlement of scores" we cannot tell, for now Ngonde had to meet the challenge of the Ngoni.

(e) *THE MIDDLE KYUNGUS: THE NGONI WARS.*

Before the reign of Mwakasungula no Kyungu, says tradition, had ever gone to war, "but when the Ngoni came their enmity was like that of the lions and their number like that of the ants, and so Kyungu Mwakasungula, seeing his people were terrified, took up arms in person and said he would die fighting. And his people heard with awe and astonishment that he himself had come to fight and they determined to to die with him." Thus, under the pressure of extraordinary circumstances, a man who had often fought before broke through the traditional privacy of his divine office. Though the step was never repeated[8] yet its occurrence made a great impression on his people and it is still cited as one of the stages in the emergence of the Kyungus from their religious seclusion.

The course of the Ngoni wars, in the tradition of Ngonde, was briefly as follows: the first appearance of the Ngoni in Ngonde took place during the reign of Mwakasungula; he himself led his people against them and killed their chief Kwakumbwe-Kalila; they fled and he pursued them out of the country. And again they came and again the men of Ngonde repulsed them.

"Then they took counsel together and decided that we men of Ngonde were too skilful with our spears ever to be beaten by daylight, but we might be surprised at night." So the next attack was a raid on Mbande by night; Mwakasungula, alone and unaided, slew six Ngoni and they fled; but he himself was left fatally wounded.

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[8] One of our informants, however, maintained that Kyungu Mwakasungula fought the Ngoni twice in person.

Mwambelo, younger brother of Mwakasungula, succeeded and 173
abandoning the enclosure at Mbande, went to live by the lake shore.[7] And so yet another step was taken from the traditional religious seclusion. His successors returned to Mbande; but the custom of building an enclosure round the houses of the Kyungu was not resumed.

In his reign Mwafulilwa, chief of the next tribe to the south of Ngonde, sought aid against the Nguni and the men of Ngonde responded and won a battle. But the Nguni then replied with another night raid in which they found Mwambelo alone in his house and killed him and returned home. Another attack followed before a new Kyungu had been installed, but it was repulsed, "for this time they had come by day!"

"And then the nobles of Ngonde made Gwa Sepasi Kyungu; he was a son of Kalambo, a chief of Ngana; for they said that, as so many of the chiefs of Ngelenge had been killed by the Nguni, they would now take one of their cousins again as the Kyungu." And now at last Ngonde submitted to the Nguni. Gwa Sepasi, with the concurrence of all the chiefs and all the nobles save one[8] sent a tusk of ivory to the Nguni chief Mtwalo. "And from that time forwards the Nguni never fought with us again."

A few years later, in 1875, after Gwa Sepasi had died and been 175
succeeded by Mwafongo, the Europeans first visited Ngonde. Arab slaves traders established themselves there about the same time, and with the struggle between the two races for the possession of Ngonde the modern period begins.

3. *RELIGIOUS ELEMENTS (MIDDLE PERIOD).*

The traditional status of the Kyungus had in part a religious basis.[9] 613
The ruling Kyungu and the spirits of his dead predecessors were 769
believed to form one divine company, the anger of any one of whom had 789
terrible effects: while in his own flesh and in some of his possessions magical power was believed to reside. But the Kyungu was not alone in his religious potency, he was but the greatest of many. The nobles of Ngonde and the territorial nobles, the chiefs both great and small, professional rainmakers and doctors, the great-commoners of the villages, heads of families and even ordinary men and women—all alike were believed to have some access to, some dealings with divine or

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[7] Those nobles of Ngonde, in recounting this story, maintained that Mwambelo was mad.

[8] He was Mwasinkonga, whose story is omitted here for lack of space.

[9] As this paper is concerned only with political institutions no full analysis of the tribal religion of Ngonde is here attempted, only those aspects of it are dealt with which have political significance.

643
769 magical powers. And the faith alike in ancestors and in witchcraft gave
789 to every group of subjects a religious hold over their rulers.

(a) *THE THEISTIC ELEMENT.*

643 Though the early Kyungus had lived on the stony top of Mbande
764 none of them had been buried there, for "the ground was too hard to
778 dig graves in." They and their successors were all buried in the valley, each in a different spot. Over their graves trees were planted and grew up to form a ring of sacred groves round Mbande. Each grove has a name and the Kyungu who is buried there is usually referred to, not by his own name, but by that of the grove where he lies. Thus Kyungu Mwangonde is referred to as "He of Bwiba," Kyungu Mwakasungula as "He of Ipota," and so on.

643 Now drought and widespread sickness were believed to be
731 caused by the anger either of some dead Kyungu or of the living one.
787 "In time of drought they (the nobles of Ngonde) would go to a diviner
782 to enquire who it was who was angry; they would mention all the names of the sacred groves of the Kyungus in turn and he would tell them that it was so and so. So they would tell the (living) Kyungu. And he would give them either a bull or a sheep, together with some beer—they would take one of the pots of beer from his own house, one of the pots which were continually brought by his people as tribute.[7] And he would give them some flour and some cloths also. Then they would go with them into the grove. Now the diviner would have told them that he (the dead Kyungu) was angry because they had omitted (for so long) to build his house. So they would begin by building his house in the grove, they would build a miniature hut with rafters.[8] Next they would kill the beast and hang some of the meat up on a tree—the rest they would eat later outside the grove. Then they would tear up the cloths and fix some of the pieces to the house in the grove—an action which they would explain as 'giving him cloths'. And, finally, they would pour out (some of) the beer and the flour. Nearly always, in time of drought, they would thus build a house in the grove of the Kyungu whom the diviner had mentioned.

643 "But occasionally if one of the chiefs had recently insulted the
731 Kyungu, they concluded that it was the living Kyungu himself who
787 was angry. They would go to a diviner and mention all the names of the dead Kyungus, but he would refuse to accept any of them: 'No—no.'

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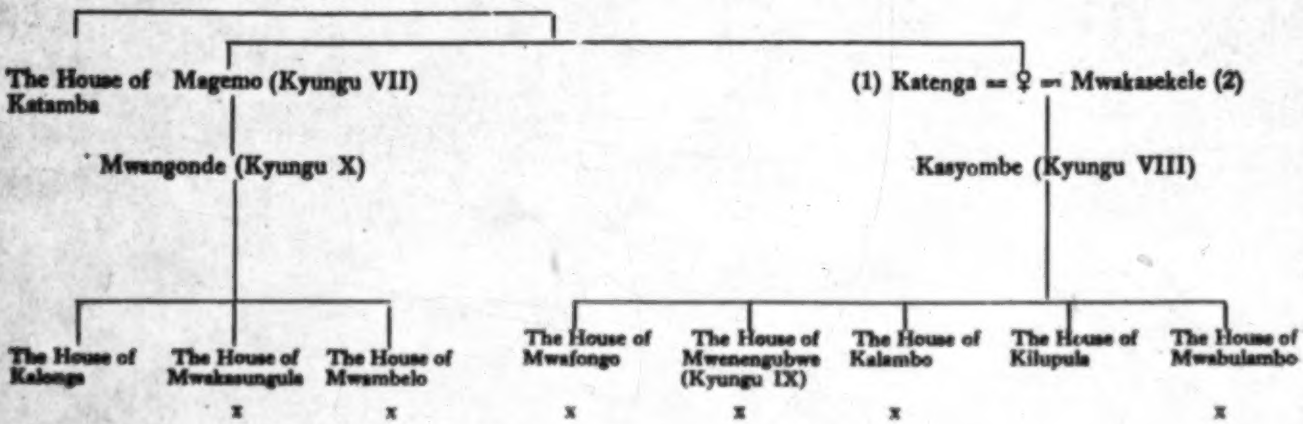
[7] *Vide infra* section 4.

[8] This is the custom traditional in the sacred groves of all important chiefs, both in Ngonde and among the Nyakyusa. We have seen it done among the Nyakyusa. The hut which we saw built was between two and three feet high.

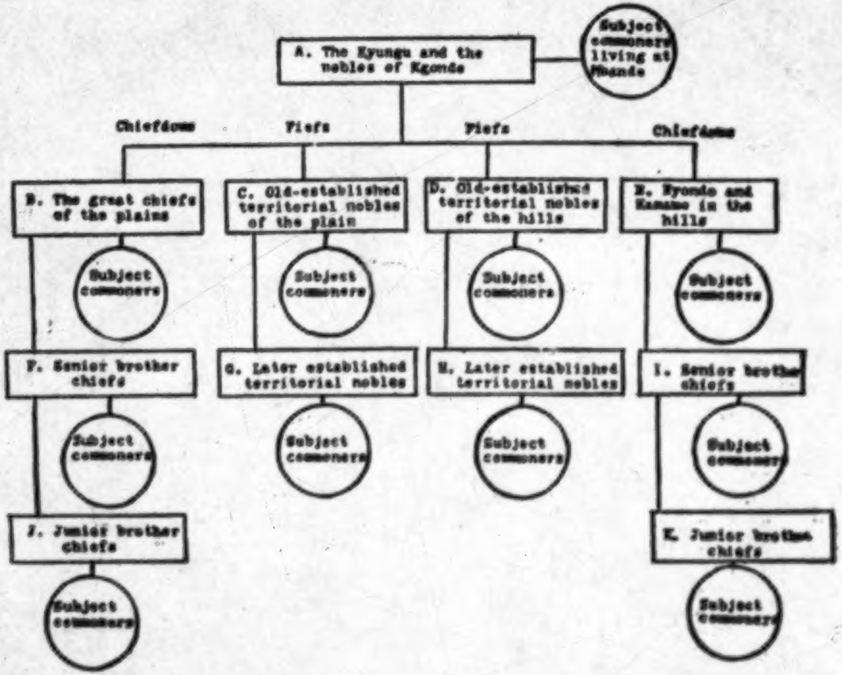
THE TWO ROYAL LINES (MIDDLE PERIOD).

THE EARLY KYUNGUS


The House of Katamba
Magemo (Kyungu VII)
(1) Katenga = ♀ = Mwakasekele (2)
Mwangonde (Kyungu X)
Kasyombe (Kyungu VIII)
The House of Kalonga
The House of Mwakasungula
x
The House of Mwambelo
x
The House of Mwafongo
x
The House of Mwenengubwe (Kyungu IX)
x
The House of Kalambo
x
The House of Kilupula
The House of Mwabulambo
x

x = Houses which actually provided Kyungus in the middle period.

THE CONSTITUTION OF NGONDE IN THE MIDDLE PERIOD


A. The Kyungu and the nobles of Ngonde
Subject commoners living at Mbande
Chiefdoms
Fiefs
Fiefs
Chiefdoms
B. The great chiefs of the plains
C. Old-established territorial nobles of the plain
D. Old-established territorial nobles of the hills
E. Nyondo and Kamame in the hills
Subject commoners
Subject commoners
Subject commoners
Subject commoners
F. Senior brother chiefs
G. Later established territorial nobles
H. Later established territorial nobles
I. Senior brother chiefs
Subject commoners
Subject commoners
Subject commoners
Subject commoners
J. Junior brother chiefs
K. Junior brother chiefs
Subject commoners
Subject commoners

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642

And at length he would tell them that it was the living Kyungu who was angry because so and so had insulted him. Then there would be no sacrifice in the grove at all, but the nobles of Ngonde would go to the one who had insulted the Kyungu and charge him with it, asking him what he meant by thus killing them all, would not the whole land starve! And so the wrongdoer would take a cow to the Kyungu who, thereupon, would address the nobles of Ngonde, saying: 'If it was my anger which brought the drought then it will rain (for I am no longer angry). But if the rain does not come then it cannot have been my anger, it must have been some one (of the dead Kyungus) whom you forgot to ask about.' And if, after that, the rain came soon, then it was not likely that anyone would insult the Kyungu again! 643 731 787

"If, however, it did not rain, then the nobles of Ngonde would approach the Kyungu once more and ask why it had not rained. He would say that he did not know, that he himself was certainly not angry and they must have forgotten someone, they had better go and divine again. And so they would; and then the diviner would tell them that it was so and so (one of the dead Kyungus), and they would go and sacrifice in his grove."

Thus the belief in the power of the dead Kyungus, a power in which their living successor participated, was one of the factors of the central political institutions of Ngonde. The Kyungu did not himself sacrifice in the sacred groves but the nobles of Ngonde did so, with materials provided by him, and from these sacrifices the whole plain was believed to benefit. While to insult the Kyungu was not only treasonable, it was blasphemous, and the whole plain was believed to be cursed with drought or disease in reply. And we have already seen, in the story of Mwakasungula's return from exile,[1] that other prominent members of the royal family also were believed to share this power. 643 769 788 731

The absence of central political institutions among the Nyakyusa was, as we shall see, mainly due to economic causes; but in part also this difference can be traced to the climatic difference acting upon similar religious faiths. The Nyakyusa had in the Lwembes, the hereditary chiefs of Lubaga, a line of religious paramounts. Chiefs from all over the district sent gifts to them to ask for health and rain. That they never achieved any secular paramountcy at all was mainly because they were poor. But the difference of rainfall was important too. Droughts in Ngonde occurred frequently, and each one made the people remember their Kyungu's power. North of the Songwe droughts were rare and slight. 643 731

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[1] P. 27.

643 Nor were rain and health the only blessings which were sought in
the sacred groves round Mbande, general fertility, the peace of the
769 country, the absence of rats and the success of the ivory trade were
778 believed to depend in part on the favour of the dead Kyungus. And we have a little evidence that some of these other blessings also were believed to be withheld by the anger of a living Kyungu.

The religious powers of dead and living Kyungus, however, were only believed to be effective in the Ngonde plain; the fiefs of the hills, certainly, and, as far as we know, the chiefdoms of the Nyondos and Kamemes also, were unaffected by them. And this fact is correlated with the slighter secular hold which Mbande had over the hills as compared with the plain.

769 Two notable religious rituals of the plain must now be mentioned.
It was customary, first, to clear out the ashes (*ukujula ikikangu*) each
776 year after the break of the rains. In traditional belief the spirits of the ancestors, whether of chiefs or of commoners, were closely associated with the fires in the houses of their descendants; and so it was only by clearing out the old fires regularly that the spirits and their potential anger could be driven away. Every religious ritual which deals with the ancestors, whether in Ngonde or among the Nyakyusa, has the function of driving them away. For, while the Christians believe that sustained communion with God may be a blessed state, the pagans in Ngonde and among the Nyakyusa believe that sustained communion
[787] with the ancestral spirits is always terrible and dangerous; prophecy may flow from it, but if the communion is not broken, if it continues too long, then evil will result; and prophecy is nearly always prophecy of evil. In pagan belief the spirits of the dead come constantly to "brood" on man and his works and have constantly to be satisfied and driven away by ritual.

"Always they used to clear-out the ashes at the new year, at the first hoeing, at the break of the rains in December. They feared that death and disease would spread through the land if they continued living with the old fires, that the spirits in the ground, both the spirits of chiefs and of commoners, would be angry; let them drive the spirits away and hoe in peace. They always remembered to do so each new year; for the old men used to keep these things in mind continually, they never forgot. The Kyungu would summon the whole country to clear out the ashes; and then they would hoe in peace. And at other times too, if prophecy came on someone, they would clear out the ashes again."

The nobles of Ngonde approached the Kyungu and he gave the order to clear out the ashes; messages were sent to the great chiefs and the senior territorial nobles of the plain, and they told their juniors. A 769 sacrifice was made in one of the sacred groves of the Kyungus and all 776. fires in the whole Ngonde plain were put out. And then "all the chiefs from every country near Mbande and the nobles and all the great-commoners and all the ordinary men and the women too went to Kyimbwe." At Kyimbwe, which is a cross-roads in the bush, they threw away the ashes of their old fires; while those few people who could not get to Kyimbwe threw them away near their own houses on the same day as the others. At Kyimbwe new fire was made with fire-sticks by the nobles of Ngonde and distributed to the whole plain in order. Great chiefs and senior nobles took it first and passed it to their juniors, chiefs passed to great-commoners, and in each group the common people got it from their own ruling noble or their own great-commoner.

And then, later in the year when the first maize and the first pumpkin leaves were ready to eat, an elaborate first-fruit ceremony was carried out. The first-fruits were offered by the nobles of Ngonde in the grove of the previous Kyungu, the one who had last died. "Then the great chiefs would do so next—Kalonga, Mwakasungula, Mwembelo, Katambo and the chiefs of Ngana also, each in his own sacred grove (i.e. at the grave of his own predecessor in the title). . . . . . . And then after them everyone, both chiefs and people, each at his father's grave. All offered first-fruits to their own spirits. And finally they would eat themselves, each with his chief wife. But beforehand they would not eat for fear of angering the spirits."

These two rituals concerned the plain alone; the nobles and chiefs of the hills are said to have had similar rituals of their own but they were not synchronized with or dependent upon those of the plain.

In time of tribal war also the Kyungu and the nobles of Ngonde 643 led the people in prayer. All chiefs and nobles were summoned from 565 the plain and the great ones entered the Kyungu's house to receive 732 their instructions: "When he had finished speaking he would tell them 726 to go to pray. So they would leave his house and gather all together, all chiefs and men, and pray. The premier noble of Ngonde would begin, asking each of the sacred groves of the Kyungus in turn to bless them in the fight. And then the great chiefs would pray after them" (each addressing his own predecessors in his title). The territorial nobles did not pray, *for it was the royal family alone whose spirits* were then addressed. Here again it was the plain alone that was concerned.

Now this organization of religious ritual in the Ngonde plain was both a factor of and itself determined by the general political structure. We shall see in later sections how many details of the secular power of Mbande and of the lesser authorities were dependent upon their religious functions. But the reverse is equally true. 776 Among the Nyakyusa, where the hierarchy of chiefs had scarcely any secular content at all, the organization of religious ritual was far less elaborate. Cattle were sent to Lubaga by the other chiefs to be sacrificed for rain and health; but the "clearing out of the ashes" was done by each chiefdom separately; there was no general first-fruit ritual at all;[1] while, as war was never waged on a tribal basis, prayers and sacrifices for military success were always undertaken by each warring chiefdom alone.

643 622 565 769 731 Besides the Kyungus the great chiefs of Ngonde also were believed to be able to avert local droughts and misfortunes in their districts by offerings to their own immediate ancestors; and the lesser chiefs likewise and the territorial nobles—each in his own little area. While among the territorial nobles, the original owners of the land had wider powers. It will be remembered that to them the first Kyungu is said to have given head-cloths and asked for their prayers. Sometimes people would prophesy future misfortune "at Kisindile", or "at Kaluma" or "at Ifumbo," or would prophesy of present misfortunes that such was their source. Then the territorial noble concerned[2] would be formally visited by the nobles of Ngonde, and he and they together would offer sacrifice to his ancestors on behalf of all Ngonde.

778 776 782 And then also there were sacred lagoons near the lake—Nthola, Kambwe, Kibondo, Mulale and Katindi. They were associated not with ancestral spirits at all but with a vaguely defined supreme deity named Mbambe. And beside them also prayers and sacrifices were made from time to time by the nobles of Ngonde.

771 643 565 622 Over these other spiritual powers we need not linger, save to notice one most significant fact. The participation by the Kyungu in the divinity of his ancestors was no isolated phenomenon in Ngonde. The head of every family in the country, whether of chiefs or commoners, was similarly placed; in his own family and, in the case of a chief or noble, in his own area too, he was both a priest and a demigod; he dealt with the spirits and by virtue of his relation to them shared their powers; his anger could curse. The Kyungus were but the greatest of many divinities. And thus there was in theistic ritual a high degree of local and family autonomy; local or family misfortunes

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[1] Particular people among the Nyakyusa carried it out: reigning chiefs, senior great-commoners, prophets, and any person whose birth was held to be due to magical treatment of a previously barren woman. But only they.

[2] Mwene-kisindile, Mwene-kaluma, Mwene-ifumbo etc.

were dealt with by the local rulers or by the family-heads, not by 771
the central authorities. It was only occasionally that general fears or 643
misfortunes turned all men's thoughts together to Mbande. 565

Now the great-commoners of every chief were believed to have
independent access to his ancestral spirits and this gave them a spiritual 622
hold over him. If they compared him too unfavourably with his
predecessors then, it was believed, those predecessors might hear and
afflict him in various ways. And so it was also with the nobles of
Ngonde and the reigning Kyungu. But as this belief was intimately
linked with the belief in witchcraft it will be more conveniently analysed
in that context.[3]

(b) *THE MAGICAL ELEMENT.*

Magic (the belief that certain particular objects, events, words or 789
actions, involving particular people in particular situations, possessed
in themselves an extraordinary power) was an essential ingredient of 643
the old pagan religion of Ngonde. While the greatest magical object in
the country was, traditionally, the body of the Kyungu. And the fact
that the central political authority of Ngonde was so largely vested
in the nobles of Ngonde was due above all to their responsibility for
controlling this magical object in the public interest.

If the Kyungu cut himself, and more particularly if his blood fell 789
to the ground, then it was the duty of the nobles of Ngonde to kill
him, lest the whole land be afflicted with disease; and if he was ill 643
likewise. "They considered that if his blood fell to the ground that 784
was his life falling. And they likened him to a god, considering it 753
taboo for a god to be wounded; they thought that if his blood fell to
the ground it would turn into a sickness and all the people would die.
And so, when the Kyungu was wounded, they thought it best to put
him out of the way and start afresh with a new one. They thought it
taboo for him to have even the tiniest wound on his body. And it was
equally taboo for him to fall ill; everyone else, it was believed, would
fall ill too; it was better to put him out of the way so that the people
should keep well."

In consequence of this belief elaborate precautions were taken to 789
maintain the Kyungu's health. Sexual impurity was believed to be
magically dangerous to health in many ways and so the Kyungu, above 643
all men, must be guarded from it. It was not considered safe even 834
for his own wives to cook his food, lest one of them touch it during a
menstrual period, and so young boys who had not yet reached puberty

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[3] Vide infra section 3 (b).

789 cooked it instead. One of the reasons for killing most of his sons, as we
643 have seen, was to lessen the danger of his wives committing adultery
834 with them, for adultery was a magical cause of sickness. His wives
themselves were jealously guarded.

643 Then again a Kyungu might not wade across the river lest the act
784 of doing so should magically bring a deluge of rain from heaven, he
821 had always to be carried.

789 And the breath and the growing parts of a Kyungu's body—his hair and nails and the constantly replaced mucus of his nose—were
643 believed to be magically connected with the fertility of the Ngonde
764 plain. When he was killed his nostrils were stopped so that he was
826 buried "with breath in his body"; while portions of his hair and nails and of his nasal mucus were taken from him beforehand and buried later by the nobles of Ngonde in the black mud near the river. This action was believed to "close up the land, to keep it rich and heavy and fertile, as it was when he himself lived in it."

789 Now the Lwembe of Lubaga had equally magical flesh, but the other chiefs of Ngonde and the Nyakyusa had not. They could wade
622 across rivers, fall ill and be wounded without endangering their sub-
826 jects. But of all alike the breath and the hair and nails had a magical importance. Every ruling chief in both areas had his nostrils stopped by his great-commoners when nearing death, while portions of his hair and nails[1] were taken from him when living and buried after his death in a special place. The hair and nails were held to be magically connected through their growth with the growth of crops. "You see these nails of yours," said the man who explained the symbolism to us, "if you cut them do they not grow again?" (They do.) "And where does their growth come from? Does it not come from within the body?" (It does.) "Well then that is the reason, the great-commoners take power of growth from the chief in the form of his nails and hair."

789 Besides his magical body the Kyungu had a host of magical possessions. There was the iron stool *Kirambi* on which he was set at
782 his accession; once he had sat upon it he could not flee the position or he would die. There was the drum *Mwenekelwa* whose note was believed to be heard by the most distant of the Kyungu's subjects. When it was beaten "all the little nobles from afar off would hear and obey the summons; they would all come together. Then we would tell them that so and so had not brought any ivory for a long time! Then they would come with tusks as tribute, to pay worship to the Kyungu." But sometimes the drum would refuse to sound and they would kill a

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[1] We were only told about the nasal mucus in the case of the Kyungu.

sheep over it; if it still refused they would kill a cow; and if it still refused then they would kill a human being, the child of a commoner. 789 782

Then there was *Mulima*, a porous piece of iron "like a mouth organ," which the Kyungu used to make rain. If he held it up out of doors with its holes clear, so that he could see right through them, then it would be fine, but if he stopped up the holes and then held it up out of doors the sky would at once become overcast and rain would fall. And there were his zebra tails set in horn handles, with medicine in the handles, which his people carried to war to give them victory; and his spear *Kamisa*, and so on. 789

There is no sharp distinction in the pagan religion of Ngonde and the Nyakyusa between its magical and its theistic elements. Sometimes the magical, sometimes the theistic predominates, but often they are inextricably mixed. In the prayers and sacrifices to the ancestors magic enters at every turn: particular people, a particular place, particular materials and gestures, particular words are held to be essential to their success. Nor are the more permanent and obvious magical objects always free from divine associations. When we asked, for example, why the drum *Mwenekelwe* had needed occasional human sacrifices to make it work properly we got this answer: "It was because their god[5] had given this drum to the Kyungu saying: 'I alone am war, there is none other war save me.' It (the human sacrifice) was like a prayer. The refusal of *Mwenekelwe* to sound was like the prophetic fit that falls on people (from the spirits) commanding sacrifice (in the groves)." Or, again, it is clear from our evidence that the living Kyungu's power of causing a drought was believed to arise both from his relationship to the spirits and from his possession and use of *Mulima* together. His magical body and possessions, being inherited from his predecessors, were part of his relationship to them. 789 771

Now one of the material facts which had magical significance in Ngonde was that of general social status. The magical powers of the Kyungu not only contributed to the general political authority of Mbande but were, in part, magically derived from it. Only the greatest in the land could possess the greatest magic without endangering his life. There were, for example, a number of chiefs' medicines (*ifingile*), and if a chief used a medicine which was above his status then it was believed that, on meeting the Kyungu or some great chief, to whose 789 554 643

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[5] The phrase "their god" (*Kyala gwabo*) is normally used by pagans nowadays to mean the ancestral spirits, or some one among them. The term *Kyala*, which originally referred only to one of the most influential Nyakyusa spirits, has now been identified either with the Christian God or with divinity in general throughout all this area.

789 status it rightly belonged, he would at once fall down dead. And many
554 stories are still told of such happenings in the past.

643 And besides this there was the fact that the Kyungu, being the richest man in Ngonde and in the most intimate contact with the ivory traders, could secure medicines from a distance, which had a greater reputation than local ones.

789 771 554 But, as in the theistic aspect of the religion of Ngonde there was considerable local and family autonomy, so also was there in the magical aspect; and here there was individual autonomy also. Lesser rulers had lesser magic than Mbande, but still it was magic. Ordinary chiefs, for instance, had magically filled zebra tails which gave their people military success. And every individual could go to a doctor and exchange a little of his surplus food for magic. Success in love and hunting, in warfare and legal disputes, good crops and good health—all alike, it was believed, magic could give.

(c). *THE ELEMENT OF WITCHCRAFT*.

754 622 624 Both in Ngonde and among the Nyakyusa it was believed that certain commoners had snakes in their stomachs which gave them the power of witchcraft (*uwaloi* or *amanga*[7]) and among those who had this power were the great-commoners of every chiefdom. Normally a ruling chief was spiritually protected by his great-commoners from the malicious attacks of other witches, but, if he did wrong, then the great-commoners, so it was held, would cease to protect him and join in the attack.

Now in many circumstances the great-commoners' power of witchcraft and the power of the chief's dead predecessors were believed to act together. The anger of witches and that of the ancestors were sharply distinguished in theory, but in practice they often coincided. The great-commoners, for example, not only had the power of bewitching their chief but also of appealing to his predecessors to punish him for wrong-doing; and on particular occasions they were often believed to do both at once.[8] And the nobles of Ngonde had similar powers in relation to the Kyungu.[9]

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[7] *Uwaloi* is normally used when the act of witchcraft is disapproved of and *amanga* when it is approved of by the speaker.

[8] A point of considerable theoretical interest is raised by the repeated statements of our best informants on these matters that it was because they were witches that the great-commoners had this power of influencing the chief's ancestors, that they went to the chief's ancestors in their capacity of witches and in the manner of witchcraft (i.e. by means of the snakes in their stomachs). But our evidence on this point is not yet conclusive.

[9] So we were told when we put the question; but it was never volunteered. It was the hold which the nobles of Ngonde had over the Kyungu in consequence of his magical food which was the more emphasized.

These twin religious powers of the great-commoners in relation 754
to their chief (or of the nobles of Ngonde in relation to the Kyungu) 622
were important for the balance of the constitution, for they provided a
most effective check upon the actions of the chiefs. If a chief kept 624
within the bounds of constitutional usage then any illness that he had 642
would be attributed by the diviners to some such cause, as the infidelity of his wives or the breach of a taboo; but if he broke some constitutional usage then that would be taken to be the cause of his next illness; the great-commoners, it would be held, were angry and so had made him ill.

It is hardly necessary to stress the local and individual autonomy implicit in the faith in witchcraft. Not only were the great-commoners as a group believed to have an irresistible power through their witchcraft over their chief, but so were the great-commoner and the leading witches of every village believed to have an irresistible power over other individuals within that village. And in both cases their powers were strictly limited, save exceptionally, by the bounds of chiefdom or village. Moreover witches did not always act as a group, an individual witch might maliciously cause another individual to fall ill. In all this the political hierarchy was irrelevant. But it was not irrelevant in dealing with accusations of malicious witchcraft; there proof rested with the poison ordeal and a journey had to be made to a great chief or a leading noble.

4. *ECONOMIC ELEMENTS (MIDDLE PERIOD).*

We have suggested in the previous section that the traditional religious paramountcy of the Kyungu and his nobles of Ngonde was an important factor of their secular power. But comparison with the Nyakyusa shows us that their control of wealth was equally important. The religious paramountcy furnished a mould into which the stiffening stream of wealth could run and there be minted into the form of sovereignty. Much of the wealth which reached Mbande did not stay there; it was passed back piecemeal to the local rulers of Ngonde, stamped with the divine impress of the Kyungu.

(a) *THE INCOME OF MBANDE AND OTHER AUTHORITIES.*

Now the traditional income of Mbande consisted of ivory, food, 643
labour, slaves and cattle. Of ivory the Kyungu had a semi-monopoly in 652
the plain and received tribute from the territorial nobles in the hills. Food was brought to him by the chiefs and territorial nobles of the plain, who also, with their men, hoed his public gardens ([illegible]). Slaves and cattle accrued to him from tribal wars and from his offending

643 652 subjects. The great bulk of this income was employed for public purposes, but no exact line can be drawn between his public and his personal expenditure[1].

643 651 224 "The right tusk of an elephant was called the royal, the left the common tusk. All royal tusks were the Kyungu's but common tusks belonged to the hunter who killed the elephant. Whenever a hunter here in the Ngonde plain killed an elephant he would take the royal tusk to his own chief (or noble) who would then tell him to bear it to the lord of the country, and so he would take it to the Kyungu. But in the distant hills the local ruler[2] would keep the royal tusks and so cheat the Kyungu. He might come to visit him from time to time, bringing two or three tusks only; and in that case the Kyungu would not claim the others from him. If, however, the Kyungu had heard that many elephants had been killed in so and so's country, and if no subsequent visit had been made to him, he would get angry and send a messenger, and then the territorial noble would come in haste to visit him. But very many tusks they stole and never brought." Whether the commoner from the plain who brought the ivory to Mbande received a gift from the Kyungu in return we do not know; he was not conducted into the sacred enclosure, and he left the tusk with the nobles of Ngonde. But the distant territorial nobles who brought ivory were royally entertained, and even entered the presence of the Kyungu.

Now the sanction for bringing to Mbande the royal tusks of the plain was a moral one, arising from religious faith. It was believed that any huntsman in the plain who had killed an elephant and kept both tusks, instead of taking the right to his own chief or noble and thence on to Mbande, would never kill another; for the spirits of the dead Kyungus would be angry and frustrate his best efforts. It was believed that this would be so even though the living authorities at Mbande had been successfully hoodwinked; it was impossible to hoodwink the dead.

But in the distant hills the sanction was entirely different. The Kyungu and his ancestors were only local divinities, they were only believed to control the fate of the plain. In the hills what was feared was military force. If Nthalila or Mwenewenya refused to obey a summons to Mbande then the Kyungu would order his sons, the chiefs, to go and "burn him out" for insolence[3]. The sanction of force, however, was not the only reason for their acquiescence; it was profitable also for distant nobles to bring ivory to Mbande, since they 643 were given in return valuable gifts of cloth which they could not easily 651 get elsewhere. And besides this it is said that "they desired the 224 Kyungu's favour and to have their importance recognised by him."

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[1] No such line can be drawn in England either. We distinguish the King's Civil List from the rest of the budget, but then the state which His Majesty keeps has a public significance.

[2] i.e. the territorial noble.

[3] Vide infra section 5 (e).

Of the tusks which were retained by the hunters in the plain a good many were bought up afterwards by the Kyungu or by the chiefs in return for cloths or cattle or slaves.

Food was brought both by the chiefs and the territorial nobles of the 643 plain, either on their own initiative or in answer to a royal command; 651 and sometimes the less distant nobles of the hills brought food also. Mwenemisuku, for example, was called upon for the beans for which his country is still famous to-day. But, as the following quotation shows, not all the food brought reached the personal possession of the Kyungu.

"In the old days the nobles of Ngonde had most cunning ways, they would send a message to some territorial noble by the lake to say that the Kyungu desired fish and he must bring him some. Whereupon the noble would bring maybe ten or twenty baskets of fish. He would bring it to the nobles of Ngonde, who would then go and inform the Kyungu that so and so had come bringing fish. And the Kyungu would bid them thank him and tell them to give him a hoe. They would do so and the visiting noble would go home. And then the nobles of Ngonde would bring two baskets of fish in to the Kyungu, dividing the remainder among themselves.

"So likewise they would send to Mwenemisuku for beans and to other nobles for maize or millet; and always they would tell Kyungu of these nobles' arrival; but he would never see what they had brought with them! Sometimes the Kyungu might tell them to send one away without any gift, to another he might give something, just as the fancy took him. But always the nobles of Ngonde would keep the bulk of what had been brought for themselves and bring a little of it only into Kyungu's house. When sending thus for food they sent the [illegible] who were their messengers."

And the lesser authorities likewise, great chiefs, local chiefs and territorial nobles, took a certain tribute from their own subjects; they could not take the royal tusks, but they could and did take food. Every ruler in Ngonde (and also among the Nyakyusa) had the power of sending at need to any of his subjects and taking some food—bananas, milk, beer and so on. This power was correlated with the view that the local rulers, in relation to their people, were the ultimate owners of the land which their people used. And so also in the relation of the Kyungu with the local rulers, the view that he had given (or allowed them to retain) their land was correlated with the tribute of food.

643 652 The gardens of the Kyungu were divided traditionally into public (*imilesa*) and private ones (*imigunda gya masano*). The produce of the first was mainly devoted to the entertainment of important guests—chiefs, territorial nobles and the ivory traders from over the lake. That of the second to the personal needs of the Kyungu and his household. 643 651 The public gardens were hoed and weeded by the great chiefs and the nobles of the Ngonde plain with their subordinates and followers, the private ones by the nobles of Ngonde with theirs.

The hoeing of his public gardens by the chiefs and nobles of the plain was as intimately connected with the religious status of the Kyungu as was the bringing of royal tusks to him, for the belief in his rain-making powers provided a moral sanction for it. Drought and disease, as we have seen, were often attributed to the displeasure of the living Kyungu; and the failure of some ruler to bring his people to work the public gardens was, so we were told, the most usual way of displeasing him. The wealth and the divinity of the Kyungu were inextricably linked. Nor without these public gardens could the lucrative ivory trade have been maintained. In the primitive world of Ngonde there were no "purely business relations;" tributaries and buyers alike had to be royally feasted.

643 651 565 622 In the hoeing of the public gardens the political hierarchy of Ngonde was made evident, for each great chief came separately to hoe, accompanied both by the local chiefs of his own house and by those territorial nobles who lived near him. At an appropriate time either the great chief or one of his noble neighbours would suggest going to Mbande to hoe, and the former would then summon all his local chiefs. But he could not summon the nobles; with them it was a polite arrangement between equals. "When they want to hoe for the Kyungu it might be a neighbouring noble and not the great chief at all who made the first suggestion; and then the two of them would go together with their followers. For the nobles are not subjects of the great chiefs but only of the Kyungu."

651 241 476 273 The main crop grown in the public gardens was millet (*amalesi*) for beer. And at some time during the year all the chiefs and nobles[1] who had brought men to hoe[2] them were summoned to taste "the beer of the *imilesa*." So we see that, in one aspect, the hoeing of the public gardens of the Kyungu was but an extension on a large scale of the

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[1] It is clear from our notes that each chief and noble brought to this beer-drink some of his people; but it is not clear whether he brought all those who had worked or only the more important among them.

[2] I speak of "hoeing" and "men." It is fairly certain that the women also came to weed afterwards and that they participated in the beer. We omitted, however, to find this out.

ordinary custom of hoeing parties which is still followed by every 651
chief and commoner in this whole area. Every man, two or three times 241
a year, invites his neighbours to hoe for him and rewards them with a 476
beer-drink in the evening. Where the hoeing of the Kyungu's public 273
gardens differed from this custom was in the religious sanction behind it
and in its political organization.

After the local chiefs had finished the *mulasa* for the Kyungu they 651
would next return and hoe a small garden for their great chief who had
led them to Mbande. But in this the territorial nobles took no part. 585
Such gardens were not called *milasa* and there was no distinction made between them and the great chief's private ones. For this custom also there was a moral sanction; for the great chiefs, we remember, also participated in divinity. "If his people forgot to hoe for Mwakasungula then perhaps a little local epidemic of some kind would break out and the diviners, when questioned, would attribute it to their forgetfulness. Or perhaps a prophetic fit would fall on some one and he would tell them to go and hoe (or they would rue it!)"

And, still lower in the hierarchy, among a group of chiefs who were half-brothers, the senior chief used sometimes to summon his juniors to bring their men and hoe; but "their acquiescence depended on their friendship for him"; it seems to have had no effective moral sanction.

The private gardens of the Kyungu were traditionally very small 643
indeed, for the constant income of food from the plain made them all but 651
unnecessary. Such as they were, they were worked by the people of Mbande, i.e. the nobles of Ngonde and their followers. The wives of the Kyungu lived like ladies and had all the normal work of a woman, including weeding, done for them.

The income of the Kyungu in slaves and cattle cannot be understood 643
save in the context of judicial procedure and warfare with which we have 652
not yet dealt[4].

The income of Mbande reached others besides the Kyungu and his wives. We have already seen how the nobles of Ngonde took their share of the food which was brought in; and some of it they gave to their messengers, the *makakata*. Neither the nobles of Ngonde nor the messengers, according to the present Kyungu, used to have any large gardens of their own; they also were maintained at the public expense. And the nobles of Ngonde shared also in the proceeds of the ivory.

With the exception of a pile of tusks upon which the Kyungu slept, 439
most of the ivory which reached Mbande, from the time of Mwangonde

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[4] *Vide infra* sections 5 and 6.

439 until the settlement of the Arabs and Europeans in Ngonde, was exchanged "for cloths and rings" with the *Lungwani* (i.e. Arab or half-caste) traders, who regularly crossed the lake from Mwela.

Now the Kyungus of Mbande when compared with their divine-cousins the Lwembes of Lubaga, were fortunate in their geographical position. The conditions which kept them in contact with a market in the early period are beyond our knowledge, we only know the bare fact. But with the opening of the trade route from the east the greater accessibility of Mbande is at once obvious. Mbande is only eight miles from the shores of the lake, Lubaga is forty. Moreover the plain between Lubaga and the lake was occupied in this middle period by Nyakyusa chiefs only distantly related to the Lwembe. Our evidence suggests that, in any case, the traders from Mwela did not reach the north end of the lake in their travels till some time after reaching Ngonde. And it is undoubted that when they did so they traded with the chiefs on the shore one by one and never journeyed inland to Lubaga. To Lubaga the lake shore chiefs sent cows to beg for rain and health, but they sent no ivory; from Lubaga they believed they received their rain and health; but it was from the traders direct that they got the coveted cloth. Ivory was but dry bones without a market, so that the Lwembes had no inducement to claim it.

In Ngonde the Lungwani traders bought relatively little ivory from others save the Kyungu; he alone held large stocks and to him they came first. They gave him red, white and dark cloths and rings also in exchange for the tusks, eating and drinking at his expense during their stay.

Some of the cloths and rings were at once given by him to the nobles of Ngonde, on each occasion that the traders came; others were used as clothes by himself and his household; others were stored for future gifts; while still others he exchanged, either for hoes with the men of Mwela and the Kisi, or with his own people for ivory or slaves.

556 Polygyny and a differential bride-price were important sources of wealth for all the rulers of Ngonde. The numbers of cattle given to
583 great-commoners, nobles or chiefs at the marriages of their daughters were greater than the numbers given to ordinary men. This was a matter of prestige. Moreover girls married younger than boys, so that all fathers usually had an interval between receiving cattle at the marriages of their daughters and giving them away again at the marriages of their sons; during this interval the cattle increased and the increment accrued to them. Now chiefs, nobles and great-commoners usually gave away more cattle at the marriages of their sons than did ordinary men; this again was a matter of prestige. But it did not alter the fact that greater numbers of cattle than usual passed through their hands; and

so the increment that accrued to them was also greater than usual. 556
And thus they normally had more cattle than ordinary men. 583

Some of these extra cattle they expended in marrying more wives of their own, who bore them more children. The girl children later brought in more marriage-cattle, and meanwhile the wives and unmarried children worked in the fields and so enabled the rulers to entertain more often and more lavishly than their less married subjects. And it was by lavish entertainment above all that the prestige of a ruler was maintained.

(b) *THE EXPENDITURE OF MBANDE AND OTHER AUTHORITIES.*

All important guests at Mbande, whether traders or subordinates, 652
were, as we have seen, entertained at the Kyungu's expense. Now the entertainment of guests and subordinates is a quite indispensable function of every primitive political authority; power and prestige cannot possibly be maintained without it. Its importance in primitive constitutions has recently been pointed out by Richards in a paper[4] on the constitution of the Bemba tribe in Northern Rhodesia; and the facts of Ngonde tradition bear out her conclusions. Chiefs and nobles were given food and beer when they visited Mbande and the position of Mbande could not otherwise have been maintained. And the Kyungu, like the Citimukulu of the Bemba, also gave to his subordinates gifts of more permanent value.

Cloths were given both to chiefs and nobles. We remember that 652
the very first Kyungu at Mbande is said to "have given headcloths to
the indigenous rulers" who, in accepting them, accepted also his 931
overlordship; and from that time onwards the practice continued. Whenever a territorial noble died the nobles of Ngonde came from the Kyungu and formally presented his successor with a dark headcloth, which he then wore turban-fashion as a symbol of his status. And other gifts of cloths were made to them also, from time to time. The nobles of Ngonde likewise were formally presented with dark headcloths on succession and, as we have seen, got gifts of cloth each time the traders came.

And the custom grew up in the middle period of giving cloths to the chiefs also, the sons of the Kyungu. When the chiefs heard that the Kyungu had been buying cloths they used to come, each alone with one man, and be given some. Our evidence does not make clear whether

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[4] Audrey Richards "Tribal Government in Transition." Supplement to *J.R.A.S.* Oct. 1939.

652 431 this was done by all chiefs or only by the great chiefs; but it is certain that the great chiefs possessed more of these cloths than their juniors.

652 431 764 But perhaps the most important traditional use of cloth by the Kyungu was for funeral gifts.[1] The social significance of funeral ceremonial in Ngonde and among the Nyakyusa is hard to exaggerate;[2] for both the economic and the emotional aspects not only of kinship but also of village and political relationships are given formal expression most frequently at funerals. And a gift at a funeral carries greater weight than one on any other occasion.

652 431 567 581 Then, again, chiefs and nobles who brought food to Mbande were often given either a beast or a woman slave in return. "When one of the chiefs had caught a great many fish . . . . . he would gather his men and go to Mbande . . . . . Then the Kyungu would tell one of the nobles of Ngonde to go and fetch a beast or, if no beast were available—and cattle were scarce in the old days—he would give him a woman. And if the chief liked her he would take her in marriage and she would become his lady,[3] but if he did not, then he would take her to his own country and sell her there for a cow." (We expressed some surprise at the rate of exchange.) "Yes, truly, for one cow only, cows were very scarce in those days." And sometimes, in order to make sure he would like her, the visiting chief would be allowed to choose his own girl. "When one of his sons came to visit him the Kyungu would sometimes give orders that he should be shown all the (slave) girls and choose the one he liked best; and so the chief would choose a local girl[4] and marry her. And he could never then sell her, once he had chosen her in love."

Now the gift of a woman slave had many social implications. If she was taken to wife the recipient regarded the Kyungu thereafter as his father-in-law, as well as his "father." She herself became free and her children spoke of the Kyungu as their grandfather. And these gifts did more than any others to strengthen the bonds of kinship between the Kyungu and his subordinate chiefs.

652 431 To his common subjects also, if they had deserved well of him, the Kyungu would occasionally give either cloths or a woman or a cow; and the great chiefs of Ngonde likewise and even ordinary chiefs and nobles did the same. And these subordinate authorities, as we have seen, also used to entertain their own subjects generously with food

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[1] *Vide infra* section 5.

[2] Cf. Wilson, "Nyakyusa Conventions of Burial," *Bantu Studies*, March 1939.

[3] I use "lady" here to translate "[illegible]" which is the title of honour used for a chief's wife; the implication is that she then ceased to be a slave.

[4] Slaves were of two kinds, the relatives of criminals and war captives (*vide infra* sections 5 and 6). It was apparently customary to choose one of the first kind on such occasions.

and beer; their position depended upon doing so. Up and down the 652
hierarchy the stream of wealth travelled and this stream, in its ebb and 431
flow, was the lifeblood of the old constitution.

(c) *THE SIGNIFICANCE OF THE IVORY TRADE.*

Now it was the scarce and valuable cloths derived from the ivory 643
trade which enabled Mbande to bind the subordinate chiefs and nobles
to it in secular matters. Lobaga, lacking this wealth, had no such secular 439
power. But it is very easy to exaggerate the secular power which Mbande had. Personal loyalty to the Kyungu and the great chiefs was enforced throughout Ngonde,[1] the nobles of Ngonde participated in the selection of territorial nobles and great chiefs,[2] tribal war was organized from Mbande,[3] but that was all. In everyday life the sovereignty of the local rulers was scarcely limited. Civil war was endemic in Ngonde,[4] and secular justice had no central organisation[5].

The central power of Mbande rested on the combination of divine kingship with wealth derived from the ivory-trade. But both in religious and economic matters there was a very high degree of local autonomy. We have already discussed the local autonomy in religion[6] and must now discuss it in the economic sphere.

The economic relations of men in the middle period of Ngonde's 433
history were largely confined to the little local groups of chiefdom and fief. Subsistence agriculture was practised by each family, with the assistance of village neighbours and of a few friends and relatives who normally lived in the same chiefdom or fief. Marriage, with all the exchanges of cattle and food which marriage involved, was usually a local matter also; men only occasionally went beyond the chiefdom or the fief for their wives; while of the few specialised craftsmen, such as smiths, a representative was usually to be found in each such local group. Economic links between the local groups existed: men moved from one chiefdom or fief to another leaving relatives behind, some marriages took place across the local boundaries, famous craftsmen or doctors attracted clients from far afield. But these links were far fewer in number than those which obtained between the members of each separate local group.

And the ivory trade added little to the economic links between the 439
local groups. It involved no tribal organisation of elephant hunts, or anything of the kind; it touched the common people only slightly. Commoners and chiefs however did occasionally exchange tusks either

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[1] Vide infra 5 (a)
[2] Vide infra 5 (b)
[3] Vide infra 6 (b)
[4] Vide infra 6 (a)
[5] Vide infra 5 (c)
[6] Vide supra 3

439 direct with the ivory traders or with the Kyungu, for cloths or cattle or slaves. And groups of chiefdoms and fiefs co-operated in hoeing the millets.

Nor did the ivory trade enter very deeply into the economic relations of [291] the local rulers with their subjects. The common people usually dressed in exiguous pieces of bark cloth or of a coarse cloth which they manufactured themselves from a kind of cotton; the scarce imported cloths, which came through Mbande, were normally used by chiefs and nobles only. They added to the prestige of the chiefs and nobles by linking them visibly with the opulence of Mbande, but did not much increase their own subjects' economic dependence on them. Though here again we must note the occasional exchanges of ivory and other wealth between [652] commoners and chiefs or nobles. The important economic links between local rulers and their subjects were determined, on the one hand, by the differential bride-price, by polygyny and by their power of requisitioning food, and, on the other hand, by their position as chief hosts to their people.

The ivory-trade, in fact, enabled Mbande to bind the local rulers to it in a kind of permanent hierarchical alliance, but neither the constitution of the local groups nor their autonomy in relation to one another was very much affected thereby.

5. *LEGAL ELEMENTS (MIDDLE PERIOD).*

080 We now come to a third element of the central power of Mbande, the traditional part which it played in the maintenance of law. We will take this topic in two parts: first, the ways in which Mbande maintained its own authority and that of its subordinates, and, second, the part played by Mbande and those lesser authorities in maintaining the common law of Ngonde.

(a). *CONSTITUTIONAL LAW: TREASON ETC.*

687 Treason against the Kyungu was summarily punished with little or
567 no legal argument. The commonest form of treason seems to have been too near an approach to one of his wives. We remember that his wives were very closely guarded from all men, for their adultery might magically bring sickness on him, and if he fell ill then the whole land was magically endangered. One side of the hill Mbande is precipitous, and over this cliff (*Ipongo*) all traitors were thrown, including such as had looked on his wives naked; while many members of the traitors' families were subsequently enslaved.

"If a man had looked on the wives of the Kyungu bathing, he himself would be killed by being thrown over the cliff and all his

children and relatives would be apprehended and brought to the 687
Kyungu by the messengers. The Kyungu, or rather the nobles of
Ngonde, would select the best-looking girls and let the others go. 567
And then it was all over, any kinsfolk who had fled could return in
safety to their homes. For in the old days when a man did wrong
there was no legal argument and no trial. All his kinsfolk were
terrified and the men fled, but the women, not having the strength to
flee far, would be apprehended. The messengers would apprehend
not only his *full* siblings and their children but his half siblings and
their children too." Not only girls but boys also were sometimes kept
as slaves. One of our informants made it clear, however, that it was
always possible for a rich family to redeem them later, both boys and
girls, by giving one or two beasts in exchange for each.

Our enquiries about the statement that "in the old days there was 687
no legal argument and no trial" brought a clear distinction between
ordinary cases and cases of treason either against the Kyungu or against 695
the great chiefs: "In cases between two ordinary men, whether
commoners or junior chiefs, there was indeed real legal procedure: a
chief would take the case, one would pay damages to the other and
smooth relationships would be re-established between them. But what
we meant was that when a man wronged the Kyungu or one of the great
chiefs then there was no sort of legal argument at all!"

It is not relevant here to enter into any full account of the 567
institution of slavery in Ngonde; but it must be pointed out that it was
a very different thing from that introduced by the Arabs in the late
19th century. Few of these early slaves appear to have been sold outside Ngonde, and the Lungwani traders carried away white ivory alone.
Nor was there any impassable barrier between slave and free. All our
informants maintain that slaves were treated rather as younger sons and
daughters than as chattels, with the one exception that they could be
sold to another man. A woman slave married by a free man herself at
once became free, and the children of two married slaves were free also.

Another form of treason against the Kyungu, we were told, was to 687
insult him by whispered criticism. The present Kyungu said that in
the old days a Kyungu used occasionally to be insulted by one of his
sons, the chiefs, and that then, "if the Kyungu was a fierce man," he
would send the other chiefs against him and have all his cows and
wealth taken and his houses burnt. The way in which the Kyungu
might be insulted was this: after the election of a new Kyungu perhaps
one of the other chiefs would begin to ask secretly why on earth they
had chosen such an unsuitable man for the position, and suggest that
he had none of the qualities of a chief; then if the Kyungu heard of

687 this he might have him punished. The booty of such a punitive expedition was divided up by the nobles of Ngonde; some going to the Kyungu, some to the chiefs who had done the fighting. (We asked who was in fact summoned to do the fighting.) "He would summon Kalonga and Kalambo and Kilupula. . . . ." ("The Chiefs of Ngana would come too, would they?") "Yes, certainly, they would obey the summons, indignant that anyone should insult the Kyungu; they would carry off the offender's cattle and burn his houses." (We asked for a case of such a punitive expedition:) "I have never heard that any particular chief insulted the Kyungu and so had all his cattle driven off. But I have always heard that this was the custom."

And similar action was taken, so it is said, against any chief or noble who had harmed one of the **wakhata**, the personal messengers of the Kyungu.

Moreover the authority of Mbande is said to have been used to maintain the hierarchical subordination among the lesser chiefs. "The ordinary chiefs obeyed their father, the great chief. If any of them showed himself insolent and disobedient to the great chief then the case would go to Mbande and he would be fined a cow. And if he still refused then the Kyungu would summon all the chiefs to burn him out." We asked for cases of such punitive expeditions, but once again none could be quoted. "We've not heard of any particular cases, for the chiefs were generally far too much afraid to be insolent."

In discussing these occasional punitive expeditions we are on the boundary between legal and military (or violent) procedure,[3] and it is of some importance to draw the distinction correctly. The practicability of organizing our modern world for peace depends, in part, upon doing so. Theoretically the distinction is clear, but there will always be particular cases which are at first sight difficult to place certainly on either side of the line. For a punitive action to be legal it is necessary, in the first place, that it fall within an area of established legal order, which meets with no sustained resistance from any social group, and that it be taken by some authority which is there generally recognized as competent;[4] it is necessary, in the second place, that it take a form generally approved by the responsible leaders of the community; and it is necessary, in the third place, that it be directed, not to the destruction, impoverishment or harming of particular persons or groups as such, but solely to the punishment or prevention of particular breaches of the accepted law. In as much as any punitive action *falls* outside this definition, so far it is military (or violent) in character.

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[3] Violence is the more general concept and may be purely individual; warfare is socially organized violence.

[4] Such an authority need not necessarily be political; in the old days in Ngonde fathers as such were in many situations competent to enforce the laws of marriage on their daughters and sons-in-law.

Now the punitive expeditions of the other chiefs of the Ngonde plain against one of their number who had insulted the Kyungu or a great chief were, so far as we can tell *from* this slight and rather dubious evidence, of a truly legal character. At first glance they appear to be military, but *further* reflection will convince us they were not. The Ngonde plain was not, indeed, an area of well established legal order in all situations of life; local chiefs, as we have already seen, not infrequently went to war with one another and Mbande was powerless to prevent them. Nevertheless, in the constitutional relationship of the local chiefs to the Kyungu legal order was well established. No cases of sustained rebellion against the Kyungu have come down to us in the chronicle of Ngonde, and the evidence suggests that all the other chiefs alike were indignant at any insult to him; for their rain and health, we remember, were believed to be dependent upon his good will. The expeditions, again, were ordered by the Kyungu himself; while once the insolence had been punished, *it* appears that no further action was taken.

It is, of course, difficult to believe that any great discrimination was shown in the process of punishment, that any careful enquiries were made into the guilt of the various subjects of the chief concerned, or that only the houses of "the guilty" were burned. But this, even *if it* were proved, would not necessarily divest the punishment of its legal character. We must not be misled by differences between our own conceptions of legal propriety and those of primitive Ngonde. For us careful discrimination between persons is always essential to justice, but in Ngonde this was not so. The children of a commoner who had seen the wives of the Kyungu naked participated in his guilt and might lawfully be enslaved. So too the subjects of a guilty chief may well have been held guilty also and their houses burnt with perfect propriety. We omitted, however, to settle this point with certainty.

But what of the punitive expeditions to the hills, which we have noted in the previous section, to enforce the tribute in *ivory from* the distant territorial nobles? Was this a recognized legal procedure or was it war? Were these distant nobles really included in the area of constitutional order or not? Here our evidence is tentative and one-sided. It is clear that these distant nobles and their people were in many ways less closely attached to Mbande than the chiefs, nobles and people of the plain; but the present authorities at Mbande declare that these nobles "had been given their land by the Kyungu" and that, in general they accepted his overlordship without resistance; it was

687 profitable to them and it increased their sense of importance. And Mbande further maintains that the nobles of Ngonde themselves went to their funerals and took part in the selection of their successors.[3] But, as we did not travel to the hills to get their own account, the official account of Mbande must be accepted with caution.

The details of these punitive expeditions, however, were, in all except the occasion, similar to those of a tribal war and will be discussed in that context.

(b) *CONSTITUTIONAL LAW: SUCCESSION.*

643 But the punishment of traitors, insubordinate juniors and tribute-defaulters is only, as it were, the negative side of the maintenance of a constitution. It is also necessary to have some orderly machinery by which the places of authority can be filled. And Mbande derived part of its own authority from its constitutional functions in the appointment of its subordinates.

In the middle period, with which we are dealing, none of the great offices in Ngonde were filled in accordance with purely genealogical right. The Kyunguship and the great chiefdoms passed, on the death of their holders, to men constitutionally chosen from the appropriate families; they did not necessarily pass to the holders' own immediate heirs. And so it was also with the fiefs, both in the plain and the hills. In filling the local chiefdoms the strictly genealogical principle was more emphasised in theory but even there it was often in practice modified.

The Kyungu might be taken from any of the great houses of Ngonde which traced their descent either to Mwangonde or Kasyombe, with the one exception of the house of Kalonga. It was usual to take one of the great chiefs themselves, it was essential to take a generous ruling chief. The traditional procedure, which still continues, is as follows: "When a Kyungu dies it is the nobles of Ngonde, those who live near Kyungu, who initiate the discussion of a successor. They confer among themselves and agree that so and so of such and such a house is a suitable man and should be caught as the Kyungu. When they have thus conferred they then call a meeting of all the nobles (of the plain) and discuss the matter again with them. And then, when all are agreed, they go and tell Kalonga and discuss it all over again with him, because he is the senior of all." ("Has Kalonga the power of vetoing their agreed choice, then?" we asked). "Yes, if he considers that the man they suggest is unsuitable he says so and the discussion begins again. So then they catch the chosen man. In the old days they used to go with him to the hill Mbande but nowadays they go to the Government and say 'This is the new Kyungu.' And when they make obeisance to Kyungu all the rest, both the chiefs and nobles, fall to the ground, but Kalonga alone remains seated, for he is the senior of the whole line." 643

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[3] *Vide infra*, p. 54.

In the succession to the great chiefdoms there was formerly a difference of procedure in the two royal lines, that of Ngulenge and that of Ngana. When a great chief of Ngulenge died, the nobles of Ngonde were sent by the Kyungu, both to the funeral and, later, to assist in the selection of a successor. "With the great chiefs of Ngulenge it is we, the nobles of Ngonde, who have always caught their successors. We catch Kalonga, Mwakasungula Mwambelo, Katumba (or Mwenitete) and Mwambunga.[5] But we have never gone to catch the successors of the lesser chiefs, nor used we to catch the chiefs of Ngana either, for they are of the female line. . . . When a great chief (of Ngulenge) has died we go and consult secretly with the great-commoners and then, if one of the dead man's immediate heirs is suitable we catch him, but if not we may pass them over and take someone else who is, it maybe, quite junior in that house but who entertains his people generously. Him we hit with a dry stick saying, we have you, you are M—(title of the great chief) now! . . . . The chosen man we set upon a stool; this is the ancient custom. We always (used to) select mature men for these positions, not just youths[6]." 622 565.

"The great titles among the Ngana chiefs" we were told "are five: Mwenengubwe, Mwafongo, Kalambo, Kilopula and Mwahulambo. In the old days the nobles of Ngonde did not go to catch them, because they were only the female line; they would summon their great-commoners to Mbande and enquire who was to succeed and, when they had discussed it with them, tell them to go and catch the selected man to be the new chief. Then the great-commoners would return and discuss it with the other four great chiefs of Ngana, after which they would catch the chosen man." [554]

The qualities looked for both in a Kyungu and a great chief were the same, with one exception: he had to be "a ruling chief. . . . elderly man. . . . one who was respectful in his manner to the leading commoners. . . . a wise chief who knew how to feed his people." The emphasis on generosity in entertainment is most striking, every informant stresses it above all other qualities. Generosity and the possession of abundance of food were the supreme traditional marks of a chief both in Ngonde, among the Nyakusa and in many other parts of Africa as 643 622 554

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[5] The house of Mwambunga was originally a junior branch of that of Katumba.

[6] [illegible] and Kyabinga. Other informants make it clear that not only the nobles of Ngonde but the territorial nobles of the plain also participate in the selection of these great chiefs.

693 well. The one additional qualification of a great chief was bravery in
622 war; the Kyungus never fought and so in their case bravery was less
559 important.

The succession of the nobles of Ngonde, of the territorial nobles of
585 the plain and of the territorial nobles of the hills was similar to that of the great chiefs: the nobles of Ngonde themselves went and discussed with the leading men of the dead noble which member of his family to appoint in his place; and the immediate heirs were passed over if unsuitable.[1] But in the case of the territorial nobles the successor of the original noble sponsor or protégé of that family also took part in the discussions. It will be remembered that there was an, at least ceremonial, hierarchy among the territorial nobles, depending upon the priority of their arrival in Ngonde and the fact that a later arrival was always introduced at Mbande by some established noble and given land near him. And the relationship then established between the fiefs continued to manifest itself at every subsequent succession.

"Mwenelupembe was a Nyika but then he came here to Ngonde and the Kyungu gave him land by the lake. Then later Mwalugali came from Mwela, and Mwenelupembe told the Kyungu that he had come; whereupon the Kyungu sent the nobles of Ngonde with Mwenelupembe to give him land. And still, when a Mwalugali dies it is Mwenelupembe and the nobles of Ngonde who discuss with his men the choice of a successor. Then, still later, Kasembe came to Mwalugali who told Mwenelupembe, who told the Kyungu. Kasembe came without men; he came from Mwela like Mwalugali but was not a kinsman of his. So the Kyungu said that Kasembe should build with Mwalugali. Then last of all came Songwe with some of his relatives, to Mwalugali. Now Songwe was a kinsman of Kasembe's. Mwalugali told Mwenelupembe who, in his turn, told the Kyungu.——And the Kyungu decided that as Songwe and Kasembe were kinsmen they should be given land together, but a little apart from Mwalugali. And still they are associated, all four, and when one of them dies the other three come to the funeral and together send the message to the Kyungu. And the three of them consult with the nobles of Ngonde about the choice of a successor; they, the nobles of Ngonde and the relatives of the dead noble consult together,

622 The succession to the ordinary local chiefdoms of Ngonde was, like

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[1] Later in their conversation it was made clear, however, that, in the case of the more distant territorial nobles, both in the plain to the north and in the hills to the west, it was only to the successions of the most important ones that the nobles of Ngonde went in person. When a lesser noble died then the Kyungu would send to the great chief who was nearest (to Kilupula in the west and to Kakembe in the north), asking him to send men of his own to "catch" the successor.

that in the independent chiefdoms of the Nyakyusa, tied up with the custom of the "coming out" (*ubusoka*). In both areas the two senior sons of the two great wives of each ruling chief were publicly "brought out" about a generation after the "coming out" of their father; and from that time forwards the old chief went into semi-retirement while they divided his country between them. If it was a big country both of them would very likely be prosperous rulers; if it was not then one of them—the most generous rather than the senior—would probably in time attract the bulk of the people to him, leaving his half-brother little but the name of a chief. 622

Now both in Ngonde and among the Nyakyusa there was a certain tendency for other sons of an old chief, besides the two senior who were formally "brought out," to collect a few men round them and set up chiefdoms of their own. But it was in Ngonde that this tendency was most marked. And so today the chiefdoms of Ngonde are smaller than those of the Nyakyusa, for they have been far more split up. The reason for this difference appears to have lain in the very great prestige of Mbande, and so of all kinsmen of the Kyungu. There is a saying current in Ngonde: "Every son of the Kyungu is a chief." But no such saying is current among the Nyakyusa. And thus it has happened that often in Ngonde the men of an old chief have been divided up among four or five sons, not among two only; and the most successful of these four or five has not always been one of the two senior. If a junior son was a more generous feaster of men than his seniors he would die a greater chief than they, for many of their followers would leave them and join him. So we see that the formal passing over of a mean or poverty-stricken chief in favour of a richer or more generous junior, in the selection of the great chiefs, was but an extension of a principle which already worked less formally among the little local chiefs themselves. 622 554

And, further, it must be emphasized that the principles of succession to high office in Ngonde and the principles by which property is inherited there were, and still are, wholly distinct. When the immediate heir of a Kyungu or a great chief is passed over in the succession he does not thereby lose his inheritance. The wives and property of the dead man are indisputably his. Full-brothers are the first heirs and after them either sons or half-brothers, in accordance with different circumstances; while a sister's son can only inherit if all near patrilineal kinsmen are either still in their infancy or already dead. 428

The traditional laws of succession to the Kyungship, the great chiefdoms and the fiefs of Ngonde thus present the student with a most interesting balance between different principles: heredity was modified 643 622 554

643 622 554 by election; the election was made by the central power and the leaders of the local populations in agreement; mature wisdom, courtesy and generosity in the use of wealth were all essential qualifications for office. In arranging the succession to the local chiefdoms, on the other hand, the central power of Mbande took no active part. All these chiefs were related to the Kyungu, who was informed of every "coming out" as a matter of form, but that was all. In the case of these local chiefs the hereditary principles were modified only by popular choice, acting gradually over a number of years.

(c) COMMON LAW.

622 We must beware of letting our civilised preconceptions blind us to the fact that, though some common law must be maintained in every society, it is not always necessary for it to be maintained by a central political authority. In the primitive world of Ngonde Mbande played little or no direct part in the maintenance of common law; the great chiefs, the local chiefs, the territorial nobles, the great-commoners of the villages played a larger part; but even they usually left whole areas of law untouched to be enforced by the common people among themselves. The laws of marriage for example, seem to have been normally enforced by the two families of each married couple concerned, with the advice and assistance of their neighbours.

In a primitive society a man is far more helplessly dependent upon his relatives, friends and neighbours than he is in our own. He cannot normally escape them, for his world is so small. And this fact enables them often to constrain him effectively without calling in the aid of any constituted political authority whatever. Moreover even when it is necessary to call in the aid of political authorities it is often sufficient to call in those that have a local jurisdiction only. Centralised judicial institutions, covering wide areas, are rare in primitive conditions, because widely extensive social relations are rare also. The modern insistence upon the judicial functions of paramount chiefs in Africa is necessitated by the magnitude and complexity of the modern civilised world, in which law can only be maintained by central authorities; but, in many areas at least, this insistence is something new. That many African paramount chiefs had some judicial functions in former times is, of course, a fact, but these functions were often less extensive than they are to-day.

In Ngonde, however, there was traditionally no central court at all in which ordinary men could either bring cases direct or appeal from the decisions of their local authorities. At Mbande only cases of treason and insubordination against the Kyungu or the great chiefs were dealt with, and they were dealt with summarily. Each noble of Ngonde, of course, decided such cases as the members of his own fief might bring him; but for Ngonde as a whole Mbande was not a court of law; it was a shrine, an opulence, a fount of authority and a terror. 692

Each great chief, however, besides taking ordinary cases among the people of his own chiefdom, also held an appeal court of a kind to which cases could be brought from all the chiefdoms of his house; for the great chiefs alone among the sons of the Kyungu had power to administer the poison-ordeal (*mwafi*); some of the territorial nobles had it also, but not the local chiefs. If any case proved difficult of decision, if either party was not satisfied that justice was being done, then appeal might be made to the *mwafi*. And this brought a great chief something of the prestige of a high-court judge, for he could summon defendants from any chiefdom of his own house. And sometimes, as a guarantee of impartiality in a particularly difficult case, he might send the litigants to to a neighbouring great chief, saying: "Let my brother settle this; otherwise they will say that I showed favour to one or the other and that I influenced the *mwafi*!" Thus Mwakusungula is said to have sent cases occasionally to Kalonga. 692 695

Now the poison-ordeal was not only appealed to in witchcraft-cases, though it is with them that it is particularly associated, for without it they could never be decided at all; cases of any difficulty could be taken to it, whatever their nature. Nevertheless the procedure of the poison-ordeal was in itself a purely religious arbitrament; the legal argument was not reopened. An appeal to the *mwafi* was an appeal beyond secular justice altogether, to something that knew men's innermost thoughts and their most secret actions. It was believed that the *mwafi* could be influenced, but only in religious ways. The impartiality of the great chief was important, for he owned it and his attitude might be magically conveyed into it; and it was also possible for its decision to be deflected by magical preparations; but forensic rhetoric left it wholly unmoved. 695

And no cases were ever taken on appeal to the great chiefs to be reopened in a mundane way. Nor among any group of brother chiefs were cases ever taken on appeal from a junior to a senior. In the elaborate political hierarchy which we have described the element of secular judicial procedure was conspicuously slight. Indeed the men of Ngonde had scarcely any greater judicial facilities than the Nyakyusa, with their independent chiefdoms. 692

A great many cases, as we have pointed out, were decided by the common people among themselves, others were taken to the great-commoners of the separate villages of each chiefdom, others to the

692 local chiefs themselves, sitting with their great-commoners, others to the territorial nobles. And this was often sufficient, when the two parties both belonged to the same chiefdom or the same fief. The judgments of these local authorities were effective, in the first place, because (and in so far as) they represented the common legal sense of their groups and the common determination not to allow these groups to be disrupted by illegalities. They were effective, in the second place, because, under the primitive conditions of the old Ngonde, individuals were normally helplessly dependent upon these local groups.

694 When the parties belonged to *different* chiefdoms or fiefs three kinds of legal procedure, other than the poison-ordeal, were open. It was possible, in the first place, " to institute an enquiry " (*akulalusanya*). The plaintiff went to ask the defendant's own chief (or noble) if he would please look into the matter for him; and sometimes satisfaction was obtained in this way. If it was not obtained then appeal could always be made to the *mwafi*.

And, in the second place, *if* both parties belonged to chiefdoms whose chiefs were closely related, then and only then the political hierarchy did provide a certain judicial assistance. " If one of the men of a junior chief had a case against one of the men of a senior, then the junior chief would go with some of his men to visit his elder brother. On arrival he would bid him not to be surprised at their coming, and explain that one of his men was a thief—' Is he indeed ? '—' Yes ' —' who is it ? '—'So and so '—' You really mean it, he is a thief ? '— ' Certainly ! Why else have we come ? '—Then the senior chief would summon the man concerned and question him until, maybe, he would admit it. And then the senior chief, would send to take what had been stolen and would return it to his brother's subject."

And, again, if the men of two equally junior brother chiefs had a case against each other, the plaintiff's chief might accompany him when he went to institute an enquiry with the defendant's chief; and then both chiefs together would take the case to their elder brother for decision.

It is not certain to what genealogical distance this procedure was effective; our evidence suggests that it normally only obtained between chiefs who were half-brothers.

And, finally, it was possible to catch a hostage and so compel restitution for wrong done. " In the old days if one man had been wronged by another (of a different country) then he would catch and keep the child of some powerful man who lived in the same country as the wrongdoer. Then the father would send to enquire for what reason his child had been caught and would be told that it was because so and

so, one of his neighbours, had wronged and defrauded the apprehender. 694
So the father would visit the wrongdoer and tell him that his own child had been caught because of him; and he would enquire into the case and the wrongdoer would pay what was due. After the payment had been made the child would be returned to its father anointed, with its head shaven and bringing a gift." Now this, it must be emphasised, was not a violent but a truly legal procedure. It seems only to have been taken in clear cases when the debt was not seriously disputable at law, and all that was required was machinery to enforce its payment. It was a procedure generally accepted throughout Ngonde and among the Nyakyusa; the father of the child seems not to have resented it, and, being "a powerful man,"[3] he was able to put pressure on his defaulting neighbour.

But these forms of procedure were insufficient to keep the peace 692
in Ngonde. In the Ngonde plain at least, much the same law was common to all the fiefs and chiefdoms, but it was only enforced piecemeal in little local areas, or, beyond them, in occasional clear cases by the enquiry or the hostage method. And so quarrels, either between commoners or chiefs, led not infrequently to violence and war.

Now this situation requires to be explained. Why did the Kyungu and his subordinates not develop an effective judicial system on the lines of the religious and economic hierarchy? I am not confident that our evidence supplies a certain answer, but there are two facts which, in combination, go some way towards doing so.

The crucial point is that, as we have already noticed, the conditions of life in Ngonde in the middle period, did not necessitate the development of such a system. Most of life for most men was confined to the little local areas, within which law was effectively maintained. There it had to be maintained somehow, or life would have been impossible. But beyond them men had only occasional relationships. War was [721]
endemic in the society of Ngonde but did not threaten to destroy it; and it is only that threat that can compel men to set up new machinery. The warfare of Ngonde was sporadic only while fights were matters of an hour or two and casualties were slight.

Nevertheless there were other areas in primitive Africa in which paramount chiefs and their subordinates did maintain law and order with some success, and in which civil war, though it occurred, was treated as a crime. Why was this not done in Ngonde? For, though centralised justice may not have been necessary, it would have had many obvious advantages. I believe that the answer to this question lies

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[3] i.e. a rich man with a certain local prestige and authority.

692 in the religious seclusion of the Kyungu. No Kyungu ever sat in public to judge his people until Mwakahanga, who reigned from 1894 to 1904. And if the nobles of Ngonde, who acted for the Kyungu in most mundane matters, only exercised judicial authority in matters immediately affecting his personal position, that was, I believe, because nothing more would have been tolerated by the chiefs. I cannot prove this point, for it only occurred to us after leaving Ngonde, but it seems probable that only under the presidency of the Kyungu himself could a central court have maintained itself; for the nobles of Ngonde were not of royal blood. Comparative evidence supports this hypothesis, and the ease with which the present Kyungu maintains his central appeal court to-day makes it still more probable.

6. *WARFARE. (MIDDLE PERIOD).*

(a) *CIVIL WAR.*

579 The endemic civil war of Ngonde appears rather to have resembled a series of rugby football matches without referees than the scientific mass-killing of modern Europe. "In the old days we used frequently to engage in little local fights. But always, when some occasion for war arose we used to send a message beforehand to tell the other side that we meant to fight them the next day at a certain time. And perhaps, if we had mentioned the morning, they would refuse and say they preferred the afternoon, and we would agree." (Was this always done?) "Yes, always; for if ever any group attacked suddenly and unexpectedly then everyone used to mock them for their cowardice and compare them with the Ngoni——for it was by unexpected night attacks that the Ngoni overcame us."

"And how did war start?" we asked. "Maybe a couple of boys would begin fighting, just with their fists, and as they fought another would come and join in to help his friend, then another on the other side, ——until at last yet another would join in, with a spear and wound someone. Then the wounded man would be taken home bleeding, and the next day there would be war!" (And what was the point of fighting such a war?) "So that the others should be underneath and we on top. We used to fight from infancy onwards: we began as children by using mushrooms, then we took to reeds and finally, as we grew up, to sharpened stakes and spears." Such warfare seldom or never lasted for more than a single day. Cattle might be captured and houses burnt, but there was no acquisition of territory.

669 It was the territorial aim of the wars between the chiefs of Ngelenge and of Ngana which distinguished them from other civil wars; though

even here it was rather position than area that was at stake : "We object to their proximity, let them move further off," said the chiefs of Ngulenge. 661

Civil wars varied in size and importance from little local fights between neighbouring villages, fiefs or chiefdoms to more extensive fights between groups or even whole houses of chiefs. And in every case the political organization took on, for the time, a military character. Great-commoners led their villagers to war, chiefs their great-commoners ; the senior of a group of brother chiefs summoned his juniors to help him, while a great chief summoned all the local chiefs of his house. But only the Kyungu himself could summon the territorial nobles.

Now leadership in war is a factor of political authority ; the great chiefs, nobles, chiefs and great-commoners derived part of their status from their military functions. But, on the other hand, it is equally true to say that it was the other factors of their status which enabled them to exercise this military authority.

In every war, for instance, there were religious elements. Chiefs [789]
had war medicines and prayed to their ancestors for success ; while the loyalty of the great-commoners and people to their chief had both a spiritual and an economic importance. Sometimes, in peace, the leading [787]
commoners would dream of war and, if they dreamt of running away, then their chief would hastily kill meat for them. Such dreams were witchcraft and, unless promptly dealt with by a feast, were held to be a certain harbinger of future defeat.

"In civil warfare the Kyungu never took any part at all, he remained impartial at Mbande. His sons fought one another by themselves." (But what of the war, between Ngulenge and Ngana, did he not help his own sons in any way?) "No, he did not. For both 'the cousins' and 'the sons' alike were his children, he was the father of all."

(b) *TRIBAL WAR.*

The procedure of tribal warfare and that of the occasional punitive 721
expeditions against the Kyungu's subordinates was the same. Messengers [202]
were sent by the makambala to all chiefs and nobles of the plain to come to Mbande. There the more important of them entered the Kyungu's house and were given their orders by him personally : "And then, when the Kyungu had told them whom to go and fight, he would finish up by saying 'That is all then, go away now and call down blessings on your arms.' So they would leave his house and gather all together, chiefs and their men, and pray."

The premier noble of Ngonde would begin, reciting all the names of 726
the sacred groves of the Kyungu and asking each one to bless them in their fight. Then after him each great chief in turn would pray in like

726 manner to his own predecessors in his title. The territorial nobles, however, did not then pray to theirs, although they went to fight; tribal war was carried on under royal auspices alone. The Kyungu himself remained behind in his house praying for their success. Some of the nobles of Ngonde went with the expedition, carrying the magic war-tails of the Kyungu, his spear *Kamisa* and a magic horn.

721 The territorial nobles of the hills, we were told, were not summoned to take part in tribal wars or punitive expeditions. And this fact is perhaps the clearest evidence of the relatively slight hold which Mbande had upon them. Nor, even in the plain, were the Kyungu's orders invariably obeyed without question. It is said that when Mujombe appealed for help against the Bemba chief Kyepele (=Cepela) Kyungu Mwangonde at first ordered the chiefs of Ngana to go alone to the war, without Mwakasungula. For Mwakasungula was his only surviving adult son and he feared to lose him. But the chiefs of Ngana refused to start without Mwakasungula, who in the end went with them.

726 The same warning that preceded a civil war was given by the men of Ngonde in tribal warfare also. "When the Kyungu sent his people against strangers he always forbade any surprise attacks, let there be parley first and explanation; let them point out that they had no wish for war, that it was the others who had forced war on them by wantonly killing one of their men (or whatever the reason was). We never fought like the Ngoni, always we explained our case first, asking why, if the other side had any just cause for their actions, they had not refrained and come and talked it all over with us. And so it was in the war against Kyepele, we explained our case."

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567 We have seen already that the booty of punitive expeditions was divided among the chiefs and nobles who had fought and the Kyungu, and so it was in tribal warfare also. War was an important source of revenue for Mbande, bringing in both cattle and slaves. The war against the Bemba Kyepele (=Cepela) is particularly remembered for the number of slaves which Mwakasungula and the other chiefs brought back from it. While discussing slavery with some men of Ngonde one of us remarked that there had been little or no slavery among the Nyakyusa. "Yes, indeed, that is so: there was a lot of slavery here in Ngonde and very little among the Nyakyusa, because here people were captured in war. From Kyepele, for instance, a great host of slaves was captured and every chief at that time had Bemba slaves.

"And it was the custom for every chief to take a certain proportion of the slaves he had captured and hand them over to the Kyungu." (*Why?*) "Because they thought that it was his prayers for success that had enabled them to fight so well, to rout the enemy and to capture slaves and wealth." Once again we see how closely connected were the religious powers of the Kyungu with his wealth. 727 567

And the military authority of Mbande, like that of the lesser rulers, 721 was correlated both as cause and as effect with the other factors of its general political status. The central power rested in part on its military functions : it was a tribal rallying point for defence against alien attacks, together with the hierarchy which depended upon it, it provided the necessary large-scale organisation for military success, its religious powers were never more valued than in wartime, while victory brought wealth and prestige both to the Kyungu and his subordinates. But, as comparison with the Nyakyusa shows,[1] it was only the flow of wealth up and down the hierarchy, in combination with the religious functions of Mbande, that made this large-scale military organisation possible.

(c) *WARFARE AND AUTONOMY.*

Now warfare is, at one and the same time, an example of order and of disorder in human society. By social order I mean the systematic overcoming of lesser autonomies within existing wider groups : the overcoming of individual autonomy within the family and the local community, the overcoming of family, local and other autonomies within the tribe or state, the overcoming of tribal and state autonomies within still wider groups. By social disorder I mean the temporary overcoming by a lesser autonomy of the forces of some existing wider group. Legal procedure is one of most obvious examples of order, crime is one of the most obvious examples of disorder.

But warfare falls between these two extremes. Seldom are lesser autonomies so completely overcome as they are within a group at war, never is the autonomy of that group more clearly dominant over the forces making for a wider order. And it is of fundamental importance for the understanding of any social field to see which groups within it have both sufficient unity and sufficient autonomy to engage in recurrent warfare with one another. The size of the groups which go to war is one of the marks by which we distinguish primitive from civilized societies ——the smaller the warring groups the more primitive the society.

Now the recurrent civil wars of Ngonde in the middle period of its 721 history show us that, beneath its hierarchical facade, it was a society of 642 the same kind as that of the Nyakyusa across the Songwe; the centralized political organisation was too weak permanently to overcome the local autonomies of village, fief and chiefdom. It is true that the mercantile divinity of Mbande gave sufficient unity to Ngonde to enable it to fight as

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[1] *Vide infra p. 64.*

721 a whole against the Bembe and the Ngoni, and that the poverty-stricken divinity of Lubaga was unable to do this for the Nyakyusa ;[5] but neither 642 of them gave their people any high degree of unity among themselves.

For, while in both cases the hierarchical organisation touched the common people in its religious and ceremonial aspects, in neither case did it much affect their everyday actions. In Ngonde, as we have seen, the wealth of the Kyungu, which he derived from the ivory trade, enabled him and his nobles of Ngonde to bind the other chiefs and nobles to him, in a way that the Lwembe and his hereditary priests could not do across the Songwe. But this wealth only touched the common people slightly and did not much alter the economic organisation of the local groups. Nor had Ngonde any other common activities save tribal wars, religious rituals, and the hoeing of the milasa.

Horizontal as well as vertical relations must bind social groups together if their autonomy is to be permanently overcome, and in Ngonde, no less than among the Nyakyusa, the horizontal relations between the local groups were weak ; while the religious seclusion of the Kyungus weakened the vertical relations also. The constitution of Ngonde consisted of a number of small and primitive local groups, all firmly attached to Mbande, but each one capable of swinging free[6] and of breaking the tenuous horizontal bonds that joined them among themselves.

Now a distinction must be made between these civil wars and the tribal wars with the Bembe and Ngoni. The civil wars point us to the disorder of Ngonde, a disorder which existed in spite of unifying factors ; the tribal wars point us to lack of order which was hardly opposed by any unifying factors at all. No doubt there were occasional peaceful contacts between Ngonde and these other tribes, but they were clearly very slight indeed.

7. *POLITICAL CEREMONIAL.*

643 In every relationship of life there is some ceremonial expression of feeling. And towards the Kyungus of the middle period their subjects 644 frequently expressed the feelings of worship and terror appropriate to an irascible divinity.

" At Mbande the nobles of Ngonde would sit round praising the Kyungu ; the drums went '*kindi! kindi!*' And they would praise him in antiphony : 'O Kyungu !—Great Father ! Great Father !—

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[5] The Nyakyusa were attacked both by Sangu and Ngoni but no tribal alliance was formed to meet these attacks.

[6] In the case of the chiefdoms this metaphor must be qualified by the intervention of the great chiefs between the local chiefdoms and Mbande, and the occasional unifying effect of this fact upon whole groups of chiefdoms.

Burier of men!—Great Father! Great Father!—O Mpeta![8]—Great 643
Father! Great Father!—O Kipoma[8]—Great Father! Great Father!—
O Kyabala![8]—Great Father! Great Father!—O Striker and Stabber! 644
—Great Father! Great Father!—O Mwaanande![8]—Great Father!
Great Father!—O Mpakombanambo![8]—Great Father! Great Father!
—Dweller in the hot sun!—Great Father! Great Father!—O Fish-eater! O Banana-eater!—Great Father! Great Father!'" The general form of this praise-song was identical with that of the prayers in the sacred groves and so it is literally true to say that the nobles of Ngonde worshipped the living Kyungu.

But the majority of their subjects only worshipped from afar in fear and trembling. At Mbande no ordinary commoner was ever conducted into the sacred enclosure but only the territorial nobles and the elder chiefs, and they only occasionally; while when the Kyungu travelled through his country all men save the very oldest fled from his approach: "In former times we commoners never looked on the face of the Kyungu, we feared him far too much. When he journeyed through Ngonde we all used to flee from him, men, women and children; only the very oldest stayed to watch him as he came; and they would fall down and clap their hands in grateful worship."

Even in speech fearful circumlocutions were used to refer to his journeying—"The country is on the move"—"The great hill is moving"—"The mystery is coming." While it was taboo both for the old men who then stayed to see him and for those who entered the sacred enclosure, ever to greet him in the usual way. Falling down and clapping the hands was the only greeting for the Kyungu, never the ordinary "how-do-you-do!" From the nobles and great chiefs men did not flee; but the great chiefs, at least, were greeted by falling down and handclapping, not in the ordinary way. [195] [576]

From the wives of the Kyungu also men fled in terror, fearing lest they be compromised and thrown over the cliff, and this both added to the atmosphere of terror which surrounded him and was an expression of it.

On the other hand the various gifts of the Kyungu to his subjects 643
were, in their ceremonial aspect, an expression of personal relationship to 602
them, of paternal interest in them; and so also the tribute which they [431]
brought to him was, in its ceremonial aspect, an expression of filial respect. As in all primitive groups personal rather than impersonal relationships were dominant in the old Ngonde. The Kyungu was

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[8] Names of early Kyungu.
[9] Archaic words which I do not understand.

643 "the father of all." All the chiefs were his kinsmen, many of the nobles were related to him by marriage, most of them were personally acquainted 602 with him; and these facts were fundamental in the old constitution of Ngonde.

602 And so also the great chiefs and their subordinates, and the local rulers and their subjects were united by personal bonds which were given 764 frequent ceremonial expression. At every funeral,[7] in particular, whether 431 of chief, noble or commoner, ceremonial gifts of meat, beer, ordinary food, and other gifts also were made along the lines of the political hierarchy.

764 On the death of a chief, a noble or any commoner who had, during his life, had many personal dealings with Mbande, a hen was sent to the 431 Kyungu to announce the death, and the Kyungu then returned one of [763] the imported cloths. When other prominent commoners or great-commoners died a hen was sent to the great chief of the area, who also returned an imported cloth. The deaths of ordinary commoners and less prominent great-commoners were announced only to the local ruler (chief or noble) without the gift of a hen, and no cloth was returned.

Similarly when cattle were killed at the funeral of any great-commoner or commoner a special portion of the meat of one beast (the breast and ribs) was always given to the local ruler.[8] In the case of a prominent commoner or great-commoner, however, a similar portion might be given to the great-chief as well. "Such an action was taken on the initiative of the family concerned, the great-chief never claimed it as of right." But if he himself came to the funeral it was normally done. The local rulers themselves, with their wives, attended the funerals of their subjects, and their wives brought food with them, to assist the family in its entertainment of the neighbours. And, finally, at the death of a local ruler or of one of his family, his subjects attended the funeral, bringing gifts of food.[9]

8. *THE CHRONICLE OF NGONDE COMPLETED* (1875-1937)

We have now finished our systematic analysis of the constitution of Ngonde as it was before the coming of the Europeans. We have had to rely largely on oral tradition and that by itself is always in some degree suspect. Nevertheless the richness and coherence of what is remembered to-day, together with the observable continuity of modern institutions enables us to accept it as broadly accurate. But from 1875 onwards two written records[8] begin to supplement the oral tradition.

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[7] This account excludes the funeral of the Kyungu, which was secretly carried out by the nobles of Ngonde.

[8] This was certainly so in the chiefdoms, evidence for the facts is here lacking.

[9] Vide Wilson "Nyakyusa Conventions of Burial."

A little before 1875 Mwafongo, another chief of Ngana, had succeeded Owa Sapasi as the Kyungu; and in that year the Europeans first reached Ngonde. But about the same time Arab slave and ivory traders established themselves there also and for the next twenty years disputed its possession with the Europeans. 175 177

In 1875 Dr. Laws and his party made a voyage of exploration in the "Ilala" round the lake and visited Ngonde; and within the next six years both a Free Church of Scotland mission station and a post of the African Lakes Corporation were set up there. The site they selected was on the lake shore in Kalonga's district and so became known by his name.[9] But the Arab traders were in Ngonde too. The Arabs sometimes traded with the people of Ngonde, sometimes fought them, while the African Lakes Corporation Agent tried to combine a lucrative trade with the Arabs and the protection of the people against them. [797]

During the course of a fight with the Arabs Kyungu Mwafongo was killed and Mwakalambo, yet another chief of Ngana, was taken in his place. The nobles of Ngonde at first wanted to take Malema, a chief of Ngolongo, but he fled from them; "they asked the Arab Mlozi to lend them men to look for him, but he hid in a tree and escaped them. So they took Mwakalambo."

It was fourteen years after the arrival of Dr. Laws before the British made any move to take over Ngonde; and in the interval Monteith Fotheringham, the African Lakes Agent, only just succeeded in maintaining himself against the Arabs, owing to the help of Captain F. D. (now Lord) Lugard. But in 1889 H. H. (afterwards Sir Harry) Johnston arrived and made treaties both with the chiefs and the Arabs in Ngonde, and from then until 1896 the country formed part of the "sphere of influence" of the British South Africa Company. In 1895 Mlozi, the leading Arab, openly refused to accept the new state of affairs and was hanged. And in the next year Ngonde was incorporated in the British Protectorate of Central Africa (afterwards renamed Nyasaland).

About this time—the present Kyungu says it was in 1894—the nobles of Ngonde deposed Kyungu Mwakalambo and made Mwakasu- 175

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[8] *Lakes and Mountains of Africa.* Elton. *1879.*
Adventures in Nyasaland. L. M. Fotheringham. *1891.*
The Rise of our East African Empire. F. D. Lugard. *1893.*
British Central Africa. H. H. Johnston. *1897.*
Fighting the Slave Hunters in Central Africa. A. J. Swann. *1910.*
Laws of Livingstonia. W. P. Livingstone. *1921.*
After Livingstone. F. L. M. Moir. *1923.* Etc.

[9] Spelt "Karonga," the Kyangonde "l" being retroflex.

175 nga, one of the chiefs of Ng'erenge, Kyungu in his stead. "They deposed Mwabulambo because, as they said, the country was once more at peace and so they should take a son of Mwakasungula again as the Kyungu." Mwakalenga was at first installed on the lake shore, but after the death of Mlozi he moved to the traditional capital at the foot of Mbande.

175 The demarcation of the interterritorial boundary between Nyasaland and German East Africa (afterwards Tanganyika) cut across the area of 177 Mbande's influence. The majority of the Lambya were separated by the boundary from their chiefs Nyondo and Kameme, while the Ndali who had, so it is said, previously sent regular tribute of ivory to Mbande, now became quite independent. And some of the more remote territorial nobles to the west were included in Northern Rhodesia.

One of the first acts of the new Government was to forbid the hunting of elephants without a license and thus at a blow the main traditional source of the Kyungu's revenue came to an end. Since then the numbers of elephants have been greatly reduced by European hunters, and only a few are left in the Ngonde of to-day. Taxes soon began to be collected, however, and small subsidies to be paid from them to selected chiefs and nobles.

175 178 Now Kyungu Mwakalenga, who died in 1904, after a reign of ten years, "was the first Kyungu to sit with his people judging their cases; he appeared before them at his own homestead. None of his predecessors had done so, only the nobles of Ngonde had seen them." During his [202] reign the Government suppressed the *abalelo*, on the ground that their methods were too rough, and gave him government-paid messengers instead. And it also forbade the poison-ordeal.

After Mwakalenga's death the nobles of Ngonde chose Mwangalaba, a son of Malema, to succeed; and early in his reign there were other significant changes of custom. From his predecessors, as we have seen, when they journeyed through their country, all commoners save the very old had fled. The Kyungu was too terrible for ordinary men to look upon. "Not till the succession of Mwangalaba was this custom abandoned." And in the third year of his reign the custom of hoeing *milima* lapsed, not to be revived till 1927.

Now, as it happened, Mwangalaba had a younger brother, Peter, who was a man of exceptional talents. Starting as a Christian teacher he then became a store capitao of the African Lakes Corporation and of various other firms, and later set up in business for himself with a chain of shops and made a fortune. And when Mwangalaba began to fail in 1912 Peter became his assistant and proved himself to have legal and administrative ability also. A failing Kyungu could not, as in former times, be killed and Mwangalaba lingered on until 1932. In 1927 it became necessary

to appoint a regent and, with the consent of the nobles of Ngonde and of 175
Mwangalaba himself, Peter was appointed; and in 1932 he succeeded his
brother as the Kyungu. He is still the Kyungu to-day. Both before 178
and after his succession he has used his private fortune without stint to maintain his public position; and the historical accident of his personal ability and wealth has played a very large part in shaping the course of the political and social revolution through which Ngonde is passing.

It is Peter who has completed the emergence of the Kyungus from their religious seclusion at Mbande. He has, in the first place, abandoned all claims to divinity and, with them, all interest in the traditional prayers and sacrifices to his ancestors which the nobles of Ngonde still occasionally undertake. And in the second place, he has built his capital, not at Mbande with the nobles of Ngonde, but at Swiba, half way between Mbande and the Government Boma at Karonga—a position symbolic of the new age.

The Government of the Protectorate at first applied a system of 175
direct rule. In Ngonde most of the chiefs and ruling nobles were 178
designated either as "Village" or as "Principal Headmen" and officially
allowed to exercise executive duties. It appears that traditional 642
rulers only were selected, though, theoretically, anyone at all might have been. The "Principal Headmen" included the Kyungu, but he was not recognized as paramount over the others. "In 1924 certain modifications were made in their position, but it was officially stated 'that the new system is no way intended to revivify or perpetuate governance by Native chiefs.' Under the 1924 system 'Village' and 'Principal Headmen' still had executive duties on behalf of Government, but no authority to administer their people in their own right."[6] With the appointed headmen councils were associated consisting of "members nominated and removable by the Government," and a similar district council was set up "to advise the District Resident in such matters as may come before him."

But in 1933 the system was changed to one of "Indirect Rule" or "Local Self-Government," by which the traditional political institutions of Ngonde were taken as the basis of administration. The Kyungu was now recognized as "Paramount Chief,"[7] with an appeal court and with five "Sub-chiefs"[8] under him. Of these five Kilupula was one of the

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[6] The quotations in this paragraph are taken from L. P. Mair's *Native Policies in Africa* pages 114-116.

[7] In order to avoid confusion between traditional and modern titles I shall, from now on, use the former without quotation marks, the latter with them.

[8] These five had all been "Principal Headmen" under the previous ordinance. Since our visit Kilunga, the senior great chief of Ngulunga, has also been made a "Sub-chief."

175 great chiefs of Ngana, three others (Mwenemisuku, Mwenewenya, and
Nthalile) were distant territorial nobles who ruled groups of alien stock
178 in the hills, while the last, Nyondo, who was, we remember, traditionally
642 related to the Kyungu, ruled the Lambya group in the extreme north west. The nobles of Ngonde, together with twelve prominent territorial nobles and six other assessors, were recognized as members of the Kyungu's court and given nominal salaries. Those of the great chiefs of Ngonde who were not made "Sub-chiefs" in the new regime were now officially termed "Important Headmen," and given nominal salaries also. The other chiefs and those territorial nobles who had men of their own under them were still termed "Village Headmen" as they were before 1933.

The Kyungu and the five "Sub-chiefs" each had an area allotted to him, and each was given a court for his area. "Village" and "Important Headmen" might arbitrate in small cases, but had no power to execute judgments; that power belonged to the courts alone. Thus the Ngonde plain was split up into the two areas of the Kyungu (in the south) and of Kilupula (in the north). The Kyungu's court was both a court of first instance for his own area and also a court of appeal for the whole of Ngonde.

The modern title "Village Headman," seems at first to be a particularly confusing one since its bearer rules, not a village, but either a chiefdom or a fief which is itself sub-divided into age-villages. Further in the case of chiefdoms, unless they are very small, each age-village has its own great-commoner; and it is he who is the traditional village headman. But the confusion seems more natural when we realize the number of very small chiefdoms and fiefs which have now come into being by the continual sub-division of the former and the gradual shrinkage of the latter. There are some ruling chiefs and nobles to-day, still recognized as such, who have only half-a-dozen adult male tax payers under them. And it takes a pedantic anthropologist to see in such a group *two* age-villages! It is true that one does find the two or three old men in it still building a little apart from the three or four young ones, but most likely they are now all Christians and no longer observe the father-daughter-in-law taboos; for all practical purposes they constitute but one village-group. In the larger chiefdoms, however, the traditional articulation into age-villages each under its own great-commoner, still survives as a living fact.

175 Like the Nyakyusa, but unlike many other Central African peoples,
178 the people of Ngonde have a fairly easy adjustment to make to modern economic conditions. It is true that a large proportion of the able-bodied men, estimated by the District Commissioner in 1937 to be 25%, are now

always away, but the great majority of these go to the nearby Lupa Gold Fields in Tanganyika and return home regularly after short periods of three or four months at work there. Nor are they by any means solely dependent upon the sale of their labour for the money which is now necessary to them. Cotton and a certain amount of coffee, rice, beans, maize and beeswax are now being produced in Ngonde for sale to the outside world. Of cotton, the most important economic crop of this district, ninety tons were exported in 1936 and brought in, for distribution among the thousand men who had planted it, about a thousand pounds. 175 178

The question of the ultimate title to the land of Ngonde at various times since the coming of the Europeans has been the subject of dispute; but in actual fact only a little was ever alienated to European firms or individuals. These alienations were followed, in some cases, by a shifting of the African population off the land taken up, but not on any large scale. And since 1933 Native rights have been secured by law. There are now only three or four small estates occupied by Europeans in Ngonde.

In the constitutional sphere, again, a Native treasury has been set up into which one twelfth of the tax money is paid; but as this money is almost entirely used up in personal emoluments, the new treasury has so far little significance.

The whole scale and perspective of life is now changed. Ngonde is no longer a world in itself but a tiny province in a great empire. The Kyungu is no longer either a god or a sovereign, but a little secular chief visibly supported and controlled by the Nyasaland Government. Nearly half his people profess Christianity. A quarter of his young men are always outside Ngonde working for wages. Mission education in local schools and at the neighbouring central station of Livingstonia, opens to increasing numbers each year the knowledge of a vast new world. The primitive Ngonde was a world of personal relationships; only rarely were people much affected by the behaviour of any save their personal acquaintances. But to-day impersonal relationships are all-important in Ngonde; world markets, imperial policies and world history in general largely determine the behaviour of its people.

9. *THE PRESENT CONSTITUTION OF NGONDE.*

(a) *CHANGE AND CONTINUITY.*

The constitution of Ngonde in the middle period of its history consisted of a mercantile divinity superimposed on a number of relatively autonomous local groups. The central power was mainly determined by the two factors of divine kingship and the ivory trade: the local autonomy was mainly determined by the absence of any large number of 642

642 permanent social relationships beyond the local groups of chiefdom and fief, and by the religious seclusion of the Kyungus. Now every one of these factors has today ceased to operate. And it is worth dwelling on this, for it follows that the constitution of the middle period has ceased to exist and something radically different has been developed in its place. Divine kingship and the ivory trade are dead, a host of complex and permanent relationships now covers Ngonde and links it to the outside world, the Kyungu rules his people in person, under Government. And the continuity which is aimed at by a policy of "indirect rule" is thus only possible in Ngonde to a very limited extent.

On the other hand, as some continuity is inevitable even through the most radical political change, so an acceptance by the Government of that inevitability is itself a factor of political order. It is far easier to rule Ngonde to-day through the Kyungu and the nobles of Ngonde than it would be, say, through a committee of commoners chosen for their personal ability; for the successors of the traditional rulers still have a status in Ngonde which is continuous, though not identical with that of the past.

178 Christianity has gained a great hold on Ngonde,[1] and has helped to
undermine the old pagan faith even among those who do not profess it.
771 And the whole hierarchically organized system of pagan ritual is almost
797 dead. A few days after our arrival in Ngonde, in July 1937, the nobles of
Ngonde organized the clearing out of the ashes, for a special purpose. A bad plague of rats had appeared in the country and an old woman had announced prophetically that it was due to the anger of the spirits. Mulwa did all the organizing, for, as he said to us: "The present Kyungu renounced all interest in these things years ago and told me to manage without him. So I went and told Kalonga and Mwakasungula and Mwenengubwe, who is the senior of the chiefs of Ngana; it is their business to tell their juniors." But of the hundred odd chiefs and nobles in the Ngonde plain only four chiefs and a few nobles responded to the summons to put out their old fires and to bring the ashes to Kyimbwe. How many commoners put out their fires I do not know, for we did not hear of the ritual until it was over. Even this, however, was an exceptional occasion and the regular yearly performance of the ritual has ceased. Neither is the old first-fruit ritual any longer performed.

The Scots Mission in Ngonde concentrated from the first on the conversion and education of the sons of leading men, so that now many of the rulers themselves are either Christians or ex-Christians. The present Kyungu was, as we have seen, a Christian, and, though he has

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[1] 45% of the population profess Christianity.

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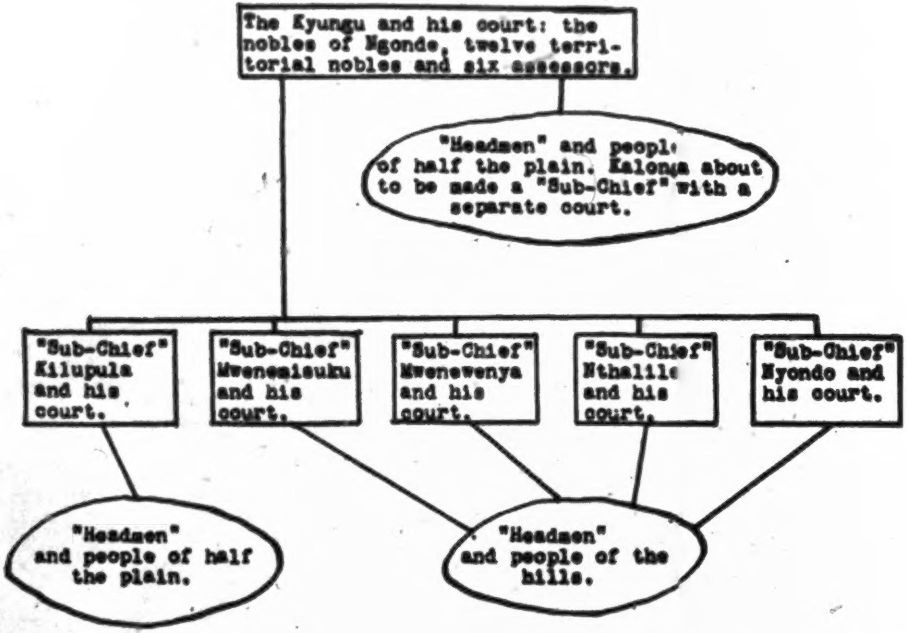
THE CONSTITUTION OF NGONDE IN 1937


The Kyungu and his court: the nobles of Ngonde, twelve territorial nobles and six assessors.
"Headmen" and people of half the plain. Kalonga about to be made a "Sub-Chief" with a separate court.
"Sub-Chief" Kilupula and his court.
"Sub-Chief" Mwenemisuku and his court.
"Sub-Chief" Mwenewenya and his court.
"Sub-Chief" Nthalile and his court.
"Sub-Chief" Nyondo and his court.
"Headmen" and people of half the plain.
"Headmen" and people of the hills.

178 now abandoned his Christianity and taken a number of wives, he appears
to be wholly sceptical of pagan beliefs. " It is I who have killed the
771 custom of praying in the sacred groves," he told us, " for my brother,
Mwangalaba, used to give the nobles of Ngonde cattle for sacrifice ; but I
797 have never once given them a beast, nor do I give them hens, nor beer,
nor flour." He subsequently admitted, however, that he did sometimes
give them " a few pence " to buy a hen for sacrifice. Many of the old
magical taboos he certainly no longer observes and we have no evidence
that he observes any ; while the magical possessions of his predecessors
are mostly lost.

That the old beliefs survive in the minds of many men in Ngonde, both pagan and Christian, we have certain evidence ; but upon those beliefs little public action is now taken. The profession of Christianity is normal among the younger people, and their attitude to the ritual which occurred during our visit was one of amusement. And even the belief in witchcraft, which has proved in many parts of Africa to be most persistent, is beginning in Ngonde to be publicly called in question by some of the pagans themselves.[1]

The present Native rulers of Ngonde are thus no longer generally
178 believed to control the destinies of their people ; rain, health and fertility
771 are no longer in their gift. And this brings radical changes into all
political relationships. It is by their secular functions alone that the
present Native rulers stand or fall. The hoeing of the public gardens of
the Kyungu by his people, for instance, was largely kept up in former
times because of his rain-making powers ; he gave them rain, they gave
him service. But, if he is now still able to claim this service from them,
it is because he gives them other things than rain.[2]

Then again the decline of the old beliefs inevitably alters the balance
178 of power between the different political authorities. The Kyungu is no
642 longer a magical object carefully secluded and controlled by the nobles of
Ngonde ; and so he now rules his people in person. It is he himself who
771 now takes all the major decisions, within the sphere of responsibility
allowed him by the Government. The nobles of Ngonde are reduced to
a merely advisory status. While the decline of the old theistic and
witchcraft beliefs brings a similar change into the relations of every chief
with his great-commoners. Many chiefs in Ngonde still fear that they
will fall ill if they offend their great-commoners, but some do not,[3] and it

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[1] The same cannot be said of the Nyakyusa, among whom, for various reasons, the missions have made far fewer converts in proportion to the total population. Among the Nyakyusa the old rituals and beliefs are still very much alive.

[2] *Vide infra* p. 80

[3] One of the chiefs, for example, is an ordained minister of the Church of Central Africa (Presbyterian).

is generally admitted that all chiefs are less affected by this fear than they 178
used to be. The secularization of the constitution tends, in this con- 642
nection, to make it more autocratic. 771

On the economic side it is difficult to exaggerate the change in the 178
relative wealth of rulers and people. The change is temporarily obscured
by the historical accident of the present Kyungu's personal fortune, but 565
this, when he dies, will go to this own heir, not to his successor in the 652
Kyunguship. The Kyungu's total official salary in 1937 was £72 a year
and those of the "Sub-chiefs" varied from about £4 10s. to £12 a year. 465
The nobles of Ngonde all received either 10s. or 15s. a year, with the exception of Mulwa who received 30s. These salaries, which are paid out of the Native Treasurery, are the modern substitute for the profits of the ivory-trade, which the Kyungu shared with his subordinates, together with the regular tribute of food and the proceeds of tribal warfare and of punitive expeditions, all of which sources of income have now dried up. And these salaries do not make possible the giving of any valuable gifts to subordinates and subjects. The local rulers also receive slight financial subsidies from the Native Treasury. Each "Village Headman" is allowed to retain 3d. from the tax of every adult male subject of his own and the "Important Headmen" (great chiefs) receive in addition subsidies ranging from 5s. to 40s. a year. This custom has replaced that of the requisitioning of food; but, owing to the smallness of all the present chiefdoms and fiefs of the plain, few "Village Headmen" receive more than £1 a year from this source.[1]

It is open to commoners, on the other hand, to become as rich or richer than most of their rulers. The head clerk in the Boma in 1937 received £52 a year, and there were fifty-three other Government employees who all received £12 or over; Native Christian Ministers and Evangelists all received many times the salary of Mulwa while young men often returned from the Lupa gold-fields with savings of several pounds.

The decline of polygyny in Ngonde again reduces the relative wealth 178
of the subordinate chiefs and nobles in comparison with their people.
Women are increasingly reluctant, for various reasons, to be married by 565
polygynists, and the old style of entertainment is changing. Few chiefs 595
and nobles, save the present Kyungu himself, now have sufficient wives
and unmarried children to be able to entertain on a large scale. In the 178
case of ordinary chiefs and territorial nobles (the "Village Headmen" of 565
to-day) this poverty is not in itself very significant, for with the dwindling

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[1] The average receipts of the one hundred and twenty-four "Village Headmen" in the Ngonde plain were almost exactly 10/- per annum in 1936. They had, that is, an average of forty tax-payers each.

178 in size of the groups they rule, they have fewer subjects to entertain.
565 But the " Sub-chiefs " and the " Important Headmen " cannot cease to entertain largely without losing much of their pre-eminent status.

178 The outlawing by Government of civil and tribal war, combined with the new economic and religious conditions, has enormously extended
692 the normal range of social relationships among the people of Ngonde; and a centralized judicial system has necessarily been developed to deal with the new situation. The old forms of local autonomy have ceased.

178 The continuity which is observable between the present constitution of Ngonde and that of the middle period is mainly determined by three
642 factors. In the first place the Government of the Protectorate deliberately supports in positions of high authority the legitimate successors of some of the old rulers. In the second place the judicial functions of those successors, which have been greatly extended, have replaced, to some extent, the old religious and military functions. And, in the third place, the present Kyungu is, as it happens, a rich man. A decentralized mercantile divinity has been transformed into a centralized Native Authority with some continuity of personnel, with the substitution of new functions for old and with the assistance of a private fortune.

(b) *FROM GOD TO MAGISTRATE.*

178 The first two of these factors of continuity—Government support
692 and the increase of judicial functions—must be discussed together, for it is mainly because of their utility as subordinate magistrates that the Government supports the Native rulers of Ngonde.

Modern conditions, in the sphere of law, bring about two great changes. Firstly the integration of the one-time primitive society of Ngonde with the civilized world greatly increases the range of social relationships among its people, and so renders ineffective much of the traditional legal machinery. And, secondly, the introduction of Christianity, of political control by the British and of European economic enterprise inevitably changes the content of the law. Granted the general conditions of contact between Africans and Europeans in Central Africa a transformation of all its traditional legal systems is seen to be an inescapable necessity.

Common law must now be maintained by a hierarchy of legal authorities reaching far beyond the boundaries of Ngonde, if it is to be maintained among its people at all. As I write these words in Livingstone, a thousand miles by road from Mbande, there is a man of Ngonde working in a shop within a hundred yards of my office. While in Ngonde itself it is no longer true that a man's friends and neighbours, or even his immediate rulers, can ever be sure of constraining him effectively if he breaks a law; they must be able, if necessary, to call in the aid of some central authority or he will escape them. Many men today, for instance, take wives whose homes are fifty miles or more from their own; and such marriages cannot possibly be regulated by the old primitive procedures. Moreover the rapid and radical changes in the content of law which are necessitated by modern conditions could not be worked out in detail by a number of independent courts without much confusion. And so in the Ngonde of to-day common law is maintained both by a centralized police system and by two central appeal courts, a lower one presided over by the Kyungu, a higher one by the District Commissioner.

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A dispute which took place in 1935 well illustrates both the novelty of a central appeal court in Ngonde and the support which the Kyungu now receives from the Administration. And it also shows that the old rivalry between the lines of Ngelenge and Ngana still survives.

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The Kyungu in his new judicial capacity decided a land-dispute between two local chiefs of the house of "Sub-chief" Kilupula, who is now the most powerful, though not the senior, of the chiefs of Ngana. The Kyungu's decision reversed that of Kilupula, who then became angry. The chief who lost the case is reported to have said: "How dare the Kyungu come here and divide up our land among us? He knows nothing about it." And Kilupula is reported to have taken much the same view; the new judicial functions of the Kyungu were resented by him. And Mwafongo, another great chief of Ngana, sympathised with his resentment.

Then Kilupula and Mwafongo between them wrote a letter addressed to the Provincial Commissioner complaining of the Kyungu's conduct of this case. The District Commissioner, who received it first, called them in and advised them to burn it, but they insisted that it should be forwarded. But before this was done the Governor of Nayasaland arrived in Ngonde on tour and the two chiefs then asked that the letter should be handed to him. And so it was. Whereupon the Governor publicly reprimanded them for writing the letter and asked the Kyungu, before all the people, to decide how he would punish them, by fine or imprisonment. And the Kyungu fined them each £5.

No more striking expression could have been given of the Kyungu's present position as a trusted servant of the Government than this incident. While the fact that the dispute arose out of his new judicial-functions and that it was two chiefs of Ngana who stood against him is most illuminating. The Kyungu has exchanged the support of his ancestors for that of the Nyasaland Government, his divinity for a magisterial office. This change, on the whole, has been made easily enough, but a certain temporary friction was inevitable. The chiefs of Ngana are the tradi-

tional rivals of those of Ngelenge ; most of the traditional reasons which
178 led them to accept the supremacy of a Kyungu of the house of Ngelenge,
643 whenever one was elected, have now ceased to influence them ; while they
themselves, as we shall see in a moment, are now barred from the succes-
692 sion. Moreover the Kyungu's supremacy is now mainly operative in the
unaccustomed sphere of law. And so a new reason for admitting that
supremacy has had to be more forcibly presented to them than to the
other rulers of Ngonde.

Once forcibly presented, however, the new reason seems to have been admitted in place of the old ones without much difficulty. For in 1936, the next year, Kilupula spontaneously led his people to the Kyungu and formally handed over a cow to him, thereby re-establishing friendship and mutual respect between the two of them. The dispute has ended in a manifest harmony.[1]

It is relevant to mention here that in the first five months of 1937 only one case was taken on appeal from the Kyungu's court to that of the District Commissioner.

The general status both of the great chiefs and of the local chiefs
178 and nobles (the " Important " and " Village Headmen,") as also of the
565 great-commoners, has been radically altered by the new legal conditions.
622 Formerly these authorities were the mainstay of a primitive justice, but
624 to-day they could not possibly enforce any legal decisions without the
backing of the central Government. And this backing they do not have.
692 Their sphere of influence is so small[2] that it has not been thought worth
while to give them any formal judicial authority ; they are now mere
arbitrators and all important cases go to court.

The modern constitution of Ngonde is thus more centralized than
178 the old. The support of the Government is given to, and effective
692 judicial power is concentrated in the hands of half a dozen men, with their
own advisers. The new judicial functions of the Kyungu and the selected
" Sub-chiefs " have, in fact, been transferred to them from the local
rulers. Some such centralization was inevitable under modern conditions
but the details are dependent upon the decisions of the Government.

(c) *PETER THE FORTUNATE.*

The wealth of the present Kyungu is not only due to his great
643 personal abilities. For twenty years before his appointment as Regent
(when he himself became the Kyungu in all but name) he was the full-

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[1] This phrase begs no questions about private feelings, upon which we have no evidence.

[2] This is less true of the great chiefs (the " Important Headmen ") than of the rest ; and possibly an understanding of their status will alter the attitude of the Administration to them.

brother of the reigning Kyungu, and this fact was half his opportunity. 643
It was a tradition in Ngonde that Mbande was a centre of trade as well as of government, and so when Peter went into trade he had a great advantage over all his rivals. He tells with great gusto the story of how, in 1911 when the price of cotton[1] was high, two firms competed for the crop of the Ngonde plain—and the firm which employed him to buy it secured it all. For as soon as the people heard that the Kyungu's brother was buying cotton they all came to him to sell. And throughout his business career the same factor has operated.

From 1899 to 1912 Peter was a employee of European trading firms, from 1913 to 1918 he worked in partnership with them and from 1919 onwards he worked on his own. Now from 1914 to 1923 trade boomed and this fact was the other half of his opportunity. In 1913 his own capital was about £50, in 1923 it was well over £1,000, and he had four shops of his own.

After the war he employed men to hoe cotton for him also ; and here he was greatly assisted by shrewd advice from European friends who watched the market. In 1920 the price of cotton suddenly dropped and he gained nothing, but he was advised to persevere and did so ; and in the next two years he made a profit of £120. But in 1923 when the price of cotton dropped again he advisedly planted none.[2]

Now from 1923 onwards the pressure of his administrative duties began to drive him out of business and from 1924 he kept one shop only open. His savings he turned either into cattle or into burnt-brick houses for his wives and so passed safely through the world-wide slump. In 1937 he still had a herd of cattle worth about £400 and six brick houses, whose total cost was £155, together with a small stock of cloth in his one remaining shop. Figures have a purely relative significance, and these figures in Ngonde represent great wealth.[3]

The effect of this private fortune on the present constitution of 556
Ngonde is very great indeed, for it enables the Kyungu to maintain a state comparable to that of his predecessors. Had he only his official salary to rely upon he could not do this and his authority and prestige in Ngonde would be less than they are. His successor and his heir will not be the same man ; and it follows inescapably that, if the present rate of salary remains substantially unchanged and if other factors remain equal too, then his successor's authority and prestige will be less than his.

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[1] Native cotton planting was early encouraged in Ngonde.

[2] Soon afterwards a boll-weevil scare caused cotton-planting to be suspended in Ngonde for many years.

[3] Very few chiefs or commoners in Ngonde have more than £20 worth of stock in their herds. There are c. 30,000 cattle in Ngonde, which gives an average of c. 3 head per adult male, and 3 head are worth about £4.

178 The present Kyungu has gardens hoed for him like his predecessors,
and these gardens are still called *milasa* ; but the subtraction of the reli-
643 gious element from this custom has radically altered both its form and
652 its significance. Of old the *milasa* were hoed by the great chiefs and their people because they wanted rain, to-day they go on hoeing them because the Kyungu gives them cattle ; of old they came of themselves fearing drought, to-day they come because he summons them ; of old the produce of the *milasa* was mostly used for the entertainment of guests from a distance, to-day the produce is mostly turned into cash and used in other ways for the maintenance of the Kyungu's position in his own immediate district. But still, as of old, the custom brings him honour.

The late Kyungu, Mwangalaba, is said to have refused to accept this traditional service in the third year of his reign (1907), and certainly for twenty years afterwards no *milasa* were hoed. Mwangalaba is said to have been a timid man, but it is also possible that he was forced to realize that the mere hope of rain would not be sufficient to maintain the custom much longer in the new economic and religious conditions ; he may have preferred to refuse his people's services rather than see them gradually refused to him. For he had nothing but the hope of rain to offer them ; he was a poor man ; he had neither the ivory of his predecessors nor the private fortune of his successor.

But in 1927 when Peter became Regent, the custom was revived on a new basis. The initiative apparently came from the great chiefs, six of whom in that year led their people to hoe *milasa* for Peter,[1] who, as soon as the hoeing was over, gave each of them a cow. Such a return gift was quite unprecedented. And now every year he sends a message to the three or four senior great chiefs, which they pass on to the others, telling them to come and hoe. One or two beasts are always given to each one who comes. In the first half of 1937 three great chiefs had brought their people to hoe *milasa* and to the two who had finished he had given respectively two bulls and a cow and a bull.

The bulk of the produce of the *milasa* he now sells to his people, by the basket, for money, using the money so obtained firstly to buy cattle to replace the ones given to the chiefs and secondly to buy cloths for funeral gifts. The figures which he gave us himself for the year 1927 showed that he was able in that year to replace the cattle expended and in addition to buy £3 or £4 worth of cloths, enough for about a dozen funerals.[2] The custom has become a mildy profitable business enterprise for the Kyungu.

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[1] But no such gardens, I think, are now hoed for the great chiefs themselves. Our evidence is here incomplete.

[2] Expenditure on cattle for chiefs=£11 or £12. Proceeds of sale of *mulasa* crop =£15. Profit spent on cloths=£3 or £4.

But it is more than that, for its maintainance establishes a certain 178
continuity of sentiment between present and past. By hoeing the 643
Kyungu's *milasa* the people of Ngonde no longer do worship to an irascible 652
divinity, but they still do honour to their greatest chief. "Where are our manners? Where is our respect?" asked the chief who, in 1927, took the initiative in hoeing Peter's *milasa*. "It seems almost as if they have died in us." And it is worth noting that the one who said this was Kajuni, a chief of Ngana.

Those who have read Richards on the Bemba constitution[1] will wonder how Peter manges at the same time to sell the produce of his *milasa* and also to provide the necessary entertainment for his leading men. The answer is twofold. Distances in Ngonde, in the first place are far shorter than among the Bemba, and the members of Peter's court can attend it regularly while sleeping and eating at home. The main traditional use of the *milasa* in Ngonde was to provide for the distant nobles who brought ivory and for the ivory traders themselves; but nowadays distant guests are rare. Nevertheless his subordinates and leading men are sometimes entertained lavishly by him, and his prestige in part depends upon this. Whether the necessary food and beer is actually taken from the *milasa* or from his private gardens I do not know, but the fact is unimportant as his private gardens are now big enough to provide the necessary surplus by themselves. For he is, in the second place, the possessor of about ten able-bodied wives who, no longer jealously secluded, work in his fields with their children; and he also hires labour to help them, paying for it out of his private fortune.

The nobles of Ngonde only rarely nowadays bring their people to hoe, for their relationship with the Kyungu is less profitable to them than it was in the days of the ivory trade, and the old organization of Mbande has decayed. With the removal of Peter to Bwiba the nobles of Ngonde and their followers began to scatter; only six of them now live at Mbande, with a mere handful of commoners. The other six are dispersed over the Ngonde plain, and only one of them[2] has any considerable personal following.

The requisitioning of food by the Kyungu and the local rulers has now almost ceased, for various reasons. Food can now be turned into cash by sale; and so men are far more reluctant to give their surplus to their rulers than before. Moreover I think that Government has disallowed the custom.[3]

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[1] *Op. cit.*

[2] Ngosi, who ranks as a "Headman" with a few subjects of his own.

[3] We did not investigate this point in Ngonde, but among the Nyakyusa it is certainly so.

178 431 643 The present Kyungu maintains his position by a continual distribution of material gifts, as the Kyungus did in the past, but many of the details of this distribution are now altered. Besides the cattle which he now gives the great chiefs he also gives away far more funeral gifts than his predecessors. But on the other hand, the traditional distribution of cloth and ivory, after a visit from the ivory traders, and of slaves and cattle to those who brought tribute in food has now ceased. The traditional procedure of giving a newly elected noble a cloth still continues.

178 431 643 764 Previous Kyungus only sent cloths to the funerals of the most important of their subjects—chiefs, nobles, great-commoners and a few others. But Peter sends a cloth to nearly every funeral in his own half of the Ngonde plain; though in Kilupula's half and in the hills he only sends cloths to the funerals of chiefs and nobles.

Nearly every family in his own half of the plain now sends a hen (worth 3d.) to Peter to announce a death and he returns a cloth (worth 2s, 3s. or 4s.) as a funeral gift. More important families (chiefs or rich great-commoners) from all over Ngonde send a bull-calf (worth maybe 7s. or 8s.) and to them he returns a cloth or blanket worth anything from 8s. to 12s. In 1934, a year with many deaths, he spent £57 on such funeral gifts and he can hardly have received more than a tenth of that value in hens and calves.

It is this custom above all which gives Peter the status of a paramount chief (as opposed to a subordinate official of the British Administration) in the Ngonde of to-day. And it is only his private fortune which makes it possible. The profits of the *milasa* never reach any such proportions, while, if he spent his official salary on funeral gifts, he would be quite unable to clothe himself, his wives and children.

Now the extension by Peter of the custom of sending cloths to funerals is significant both in relation to the new legal situation and to the present poverty of the other rulers of Ngonde. In his own portion of the plain Peter is the only Native judicial authority who can execute judgments, he is also the only Native ruler who can afford to keep up, on any large scale, the bountiful activities traditionally associated with chieftainship. And he has thus largely replaced the local rulers and the great chiefs, in relation to the common people, both as judge and as plutocrat.

Though we made no intensive study of the areas of the "Sub-chiefs," it is clear that they are not in a position to give any valuable gifts to their people, and that their prestige is in consequence far lower in their own areas than is the Kyungu's in his; they are but subordinate magistrates with traditional affiliations. Moreover the Kyungu, both through his appeal court and through the sending of funeral gifts to chiefs and nobles is still able to maintain his paramount position in their areas.

178 642 643

Owing to the accident of Peter's private fortune the elements which tend to make the present constitution of Ngonde more autocratic and more centralized than the old are, in his case alone, uncounteracted by the element of poverty. And his secular power is thus far greater in Ngonde than that of his predecessors. The nobles of Ngonde have lost the old religious holds over him, most of the subordinate rulers have lost their judicial functions, he alone is considerably richer than the common people.

178 642

Personal links between rulers, subordinates and subjects are not only characteristic of primitive societies. In our own society these links normally take the form of entertainment: The King, cabinet ministers, colonial governors, and the mayors of towns entertain the leading citizens, and their position in part depends upon doing so. And it is thus probable that personal economic links will still be necessary in the Ngonde of the future, when its integration with world society is more complete. Their form may change, but wealth will still have to be expended on their maintenance. Now there are only two ways of assuring that such links will be maintained: either special allowances must be paid to the Native rulers of Ngonde as they are paid to European rulers, to enable them to keep up their position in this way, or else rich men of public spirit must be found to fill these offices. The second solution depends upon the existence of rich men and the constitutional possibility of giving them office; but it is very unlikely indeed that, in the near future, other Peters will be available, who combine wealth both with royal blood and the general eligibility for which the nobles look. Moreover it is worth noting here that quite soon the majority of the Native rulers of Ngonde will probably be Christian monogamists and the old economic resources of polygynous marriage will then no longer exist for them at all. The first solution, however, always remains practicable.

(d) *CONSTITUTIONAL LAW.*

178 643

It is generally accepted in Ngonde to-day that all future Kyungus should be taken from the one house of Mwakasungula and all the three Kyungus since the deposition of Mwabulambo have been members of it. The nobles of Ngonde insist that the chiefs of Ngana were only taken in the middle period *faute de mieux*, when either no suitable chiefs of the Ngelenge line could be found, or it seemed to be dwindling dangerously under the onslaughts of the Ngoni. And the chiefs of Ngana accept this fact. Why the house of Mwambelo has fallen out of the succession I am not sure, but, as the house of Mwakasungula is now very numerous, I suppose it is not considered necessary to look beyond it.

But still the principle obtains of election within the house. From

178 643 Magemo to Mwakabanga no Kyungu has ever been succeeded by his own immediate heir; the choice of Peter as successor to Mwangalaba was unique, for he was his full brother and the heir to his property, but then Peter's ability and personal wealth were unique also. And in the case of the great chiefs and the nobles also the principle of election is still followed.

178 554 643 The grounds of election have slightly altered. Generosity and wealth are still important, but "wisdom in European ways" is now more looked for than maturity, and shortly before our visit a fairly young man was chosen as Mwakasungula. Bravery in war, of course, no longer matters.

178 565 622 The Administration have so far made little use of any great chiefs except the three who are now "Sub-chiefs;" but the others (the "Important Headmen") could be made into effective local rulers, if their salaries were raised. The ordinary chiefs and nobles (the "Village Headmen") are too numerous and have too few subjects to be very effective links in the chain of modern authority. But many of the great chiefs command the respect of considerable numbers. Moreover the fact that they are already being elected for their "wisdom in European ways" suggests that they will prove competent to deal with modern problems.

The traditional secular procedure of election is still followed, with some exceptions: the nobles of Ngonde are now sent by the Kyungu to participate in the "catching" of the great chiefs of Ngana[1] on the spot; the District Commissioner is informed of the result of every election; while the Kyungu himself, no longer secluded, takes a bigger share in making the choices than his predecessors very well could. And many of the religious elements of the traditional procedure, such as the setting of a new Kyungu on the iron stool *Kijumbi*, have fallen out of use.

The sending by Peter of the nobles of Ngonde to catch the chiefs of Ngana is a sign of the present centralization of power in his hands under Government. When we asked why the old custom had been changed we were told that it was "because now everything is under the control of Government and comes to the Kyungu."

The gradual ousting by chiefs of the few ruling territorial nobles who still remain in the plain has continued in modern times, but the novel conditions have complicated the process and seem to be checking
[578] it. A recent quarrel between Kajuni and Mwenelupembe illustrates this. The head of the house of Kajuni, which is a junior branch of the

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[1] I think this is also true of the less important territorial nobles of the hills, but am not sure.

Mwenengubwe, has attained more or less the status of a great chief; but 178
his country originally belonged to the noble Mwenelupembe. One of 565
the Kajunis married a daughter of Mwenelupembe and, in the usual way, 622
became the effective ruler of most of the country. But the position was
not formally clarified, Kajuni and Mwenelupembe are said to have lived 578
on the best of terms, "and there was no boundary between them." After the arrival of the Europeans Kajuni was recorded in the Government list as the "Headman," for taxation purposes, with the consent of Mwenelupembe. And this meant that Mwenelupembe received no share of the tax money. But then, recently, Kajuni sold some of their land to a European for a tobacco shamba without consulting Mwenelupembe, who was furious, and demanded his own tax register and to have a boundary formally marked out between them. And this has now been done. The present cash value of the status of a ruler has altered the economics of the situation, the decline of the religious status of Mbande lessens the comparative importance of the royal blood, while new occasions of dispute between the rulers are now present.

The "coming out" (*uvusoka*) has ceased in Ngonde owing to the 178
smallness of all the present chiefdoms, both in area and numbers, and the
impossibility of finding sufficient land and followers for two successors to 622
any local chief.[1] There has been no "coming out" since 1913. Each local chief is now succeeded by one younger full-brother (or one son) alone. But still among these "Village Headmen" popular favour determines their position. If his subjects do not like a "Headman" they move away to his neighbours, and every emigration reduces his salary by 3d. a year.

(e) *CONCLUSION.*

Now the more autocratic form and the greater centralization of the 178
modern constitution of Ngonde is very largely the product of inevitable
social forces. Granted the general conditions of contact between 642
Africans and Europeans in Central Africa, a decline of the religion of Ngonde, with the consequential change in the relations of chiefs with their leading commoners, could not possibly be avoided. Nor could the old local autonomy possibly be fitted in unchanged to any modern administrative system. And Ngonde is not unique in this, similar changes, equally inevitable, can be seen in most areas of Central Africa.

Nor is the relative poverty of the majority of the Native rulers of Ngonde today a unique phenomenon either. Richards[2] has shown the same thing among the Bemba and Read among the Ngoni ;[1] and it is, in fact, the wealth of Peter which is unusual. Wealth and chieftainship are no longer normally synonymous terms as they were in the old days ; and this again is largely the result of the operation of inevitable forces.

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[1] Owing to the climatic difference land is scarcer in Ngonde than among the Nyakyusa; but the implications of this fact we did not specially study.

[2] *op cit.*

And wherever an increase of centralization and of autocracy is combined with a decrease of the relative wealth of the Native rulers there the modern constitutions of Central Africa must inevitably become very difficult and, in the end, impossible to work. For a central political power cannot be effectively exercized unless it includes the control of wealth ; nor can able and wealthy commoners be permanently barred from sharing it.

But the policies of the Government, backed by the overwhelming power and wealth at their command, are themselves social forces which, while they cannot prevent the other forces from operating, can counterbalance them. No Government, for instance, can maintain the old tribal religions in being against the forces making for their decay, nor can it now restore the old sources of wealth to the chiefs, nor can it prevent some commoners from becoming wealthy men, nor can it bring back the old small-scale, isolated, relatively autonomous, local communities. But it is possible for a Government to raise the salaries of chiefs and their advisers and deliberately to encourage new forms of local representation and popular control. It is possible ; but whether it is desirable a scientist cannot say.

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[1] Margaret Read Native Standards of Living and Culture Change. Supplement to *Africa*. 1938.